

Hawaiian Gazette.

VOL. XXXIX, NO. 105.

HONOLULU, H. T., FRIDAY DECEMBER 30, 1904—SEMI-WEEKLY.

WHOLE 2855

GOVERNOR AIMS BODY BLOW AT LIQUOR TRAFFIC

Governor Carter has taken the bull by the horns in the matter of dealing with illicit liquor traffic, and, because it has been shown to him that the firm of Macfarlane & Co. has been largely engaged in the sale of liquor to clubs and others who sell without license in defiance to the laws of the Territory, he has notified Macfarlane & Co. that he does not think he will be justified in renewing their license.

The Governor has likewise refused to issue a license to the Kau Wine Co., thereby shutting off a section of sixty miles along the coast of the big island from the liquor traffic. This has been done because there has grown up there a condition whereby there is a large illicit traffic in liquor, and the government police have heretofore seemed to be unable to cope with the evil or at least have not coped with it. If the police cannot stop the illicit sale, then the executive will lend all the aid that lies in his power by seeing that no liquor shall be taken into the district to be sold under the law. Now, it will follow that any liquor taken in there must be for illicit purposes—and, knowing the liquor to have been landed, the police should be able to trace it.

The liquor consumed and sold and handled by the Kau Wine Company is all landed at the port of Honoipu. Heretofore this liquor has been landed openly, as the Kau Wine Company had a dealer's license, but after it has passed to the dealer, the police have seemed strangely unable to follow it up. This failure is the more strange because, after the police had failed, an officer of the internal revenue went right into the same district and sold thirteen stamps at places, clubs, native houses and what not, under the provisions of which stamps the United States authorized the sale of liquors without interference from itself.

Facing this condition, it was at first thought that it might be well to grant a regular saloon license there, to stop the illicit sale, but many planters in the district united in opposition to this. The alternative remains of shutting off the sale altogether, and that is the course that has been taken. It will be seen, now, whether the illicit business will be stopped.

The Kau Wine Company has received the bulk of its supplies from Peacock & Co.

PACIFIC CLUB ATTORNEYS FIRE THEIR FIRST GUN

The brief of United States District Attorney Breckons, W. A. Whitney, E. A. Wilder and W. L. Stanley, attorneys for the Pacific Club in the agreed proceeding to test the right of the club to sell liquor to its members without paying a regular liquor license, has been filed with District Magistrate Whitney. After a long recital of the law governing the issuance of licenses, the attorneys say:

"It appears to be a well settled rule that the contemporaneous construction of a statute by those who are charged with its execution, especially when it has long prevailed is entitled to great weight and should not be disregarded or overturned except for cogent reasons and unless it be clear that such construction is erroneous.

"Under the agreed statement of facts in this case, it appears that the Pacific Club has for a great many years, supplied spirituous liquors to its members. It appears that in 1901 the method of supplying such liquor was changed, but the court will readily see that the change was not one affecting the legality or illegality of the act of the club. It further appears that during these years the club numbered amongst its members most of the high officials of the Republic and of the Territory. While the Republic was in existence, Judge Dole the President and the officer charged with the execution of the laws, was a member of the club and fully cognizant of the fact that liquor was being supplied to its members. When, therefore, he took no steps to require the club to pay a license fee or to punish it for so supplying liquors, he construed the law to mean that no such license was required.

"The same may be said of Attorney General W. O. Smith of High Sheriff Brown and of Governor George R. Carter. The agreed statement of facts goes further than this. Since it shows that many members of the legislature were likewise members of the club with full knowledge that liquor was being supplied to members, these members of the legislature permitted the law to remain as it was.

Mr. Breckons then quotes a decision of the New York Court of Appeals in the Adelphi club case as follows: "In this connection the construction placed upon a statute penal in character by public officials charged with the duty

of executing its provisions for many years, may properly be considered in determining the legislative intent."

The brief then continues: "Applying the language of this opinion to the case at bar, we ask, was it intended that the distribution of liquors by the Pacific Club amongst its members should be a sale or a business within the contemplation of the statute? We answer, if so, Judge Dole, Attorney General Smith, Governor Carter, High Sheriff Brown, and many other officers, including judges of the Supreme Court and members of the legislature, have neglected their official duties.

In view of the construction so placed on the statute by high officials of the Territory and of the Republic, and in view of the further fact that the Legislature of the Territory is about to assemble it is respectfully submitted that no action should now be taken by the court under which existing conditions should be disturbed. Should it be held that the Pacific Club is liable, in the same breath the court would convict these high officials of dereliction of duty. If on the contrary the club should be held to be not responsible and the sentiment of the public today is that it should pay the license the incoming Legislature can make suitable provision therefor.

Quoting many decisions in support of his contention the brief issues this warning to the District Magistrate: "Before concluding this crude presentation of our views on this subject we desire to request that this court shall pay no attention to any argument which may be advanced that the decision should be in favor of the Territory because a decision in favor of the club cannot be appealed by the Territory. This court has certain duties to perform amongst those duties is one to decide in favor of a defendant unless the guilt of that defendant be established beyond a reasonable doubt. A decision in favor of the defendant may not be appealed by the Territory, but this rule should not interfere with the court doing what it considers to be right and just in the premises. Any judge who shall hold a defendant to be guilty when he believes that guilt has not been established beyond a reasonable doubt solely because the prosecution may appeal violates his oath of office and has no right to fulfill the duties of a Judge. We trust the Territory will not request this court to hold the defendant in this case liable because it may be expedient to have the legal questions involved tested by the Supreme Court. If however such argument be advanced we emphatically assert that the Judge of the court violates his oath of office if he decides against the club solely on this ground."

Attorney General Andrews is engaged in the preparation of his brief, which will probably be filed within a few days.

Dr. Lyman Abbott Creates Sensation In Religious Circles.

NEW YORK, Dec. 19.—Has Rev. Dr. Lyman Abbott broken away from the Christian theology? is the question clergymen of every denomination were asking today. In making his views known to Harvard students yesterday Dr. Abbott confessed that he expected to be branded a heretic.

"I wonder if you students in Harvard will understand me when I say that I no longer believe in a great first cause?" said Dr. Abbott. "My God is a great and ever-present force, which is manifest in all the activities of man and all the workings of nature. I believe in a God who is in and through and of everything; not an absentee God, whom we have to reach through a bible or priest or some other outside aid, but a God who is closer to us than hands or feet."

COL. LAUKEA BEGINS HIS CONTEST IN WASHINGTON

The seat of Kuhio in Congress has been contested. Nothing was said about it when the papers were sent forward for service, which was on December 10. The papers must have been received about the 21st. They were served personally and by mail, also here at Kuhio's residence and place of business, the procedure being well within the 30-day limit. Following is a copy of the notice served:

Before the 59th Congress of the House of Representatives of the United States of America.

Curtis P. Laukea vs. Jonah K. Kalaniana'ole—Notice of Contest of Election.

To Jonah K. Kalaniana'ole, Esq.

Sir: You are hereby notified that at the general election held on the eighth day of November, A. D. 1904, at and within the Territory of Hawaii, at which said election you were a candidate for the office of delegate to the 59th Congress of the House of Representatives of the United States of America, I was a duly qualified candidate for the same office, and one Charles K. Noley was also a candidate at said election for said office.

You are further notified that afterwards to wit, on the 29th day of November 1904 the canvassing board as required by law declared the result of said election announcing that there had been cast 11,990 votes for said office, and that of these, 6833 had been cast for you, and 2368 for me, and 2789 for Noley, and that you had received the greatest number of votes and had been elected to said office that on the same day, George R. Carter as Governor of the Territory of Hawaii issued to you a certificate of election, certifying that you, having received 6833 votes for said office a greater number than any other candidate were duly elected to the said office of delegate to the 59th Congress of the House of Representatives of the United States from the Territory of Hawaii at the election so held as aforesaid.

You are further notified that I intend to contest your declared election as aforesaid before the 59th Congress of the House of Representatives of the United States of America, on the following grounds, namely:—

1. Because the official ballots as prepared by the Secretary of the Territory of Hawaii he being the officer charged by law with said duty and by him furnished to the various Inspectors of Election throughout the entire Territory were illegal in this that each of said ballots had printed thereon a mark or symbol to wit a number whereby it could be identified contrary to the express provisions of law regulating such election.

2. Because said official ballots with the numbers thereon as aforesaid were actually voted by the electors of said Territory in the following precincts to wit the 3rd of the first district the 1st and 2nd of the second district the 2nd 5th 6th 15th and 16th of the third district and the 3rd 5th 9th, and 10th of the fourth district and the 1st 2nd 6th 7th 8th 9th 10th and 11th precincts of the 5th election district, and as contestor is advised and believes and upon such information and belief states the fact to be said ballots with the numbers thereon were actually voted in each and every other voting precinct of said Territory with perhaps a few exceptions—thereby rendering the ballots voted at said precincts illegal and void inasmuch as the secrecy of the same as guaranteed by the laws of said Territory was destroyed in this to wit: That at the time said ballots were handed to the individual voters by the officers of election, the numbers upon each ballot was called out and the same was entered in the poll book opposite the name of the voter to whom said ballot had been given, thus enabling any person on having access to said poll book, together

with the ballots, to ascertain how and for whom each elector had voted."

3. Because certain officials, employees of the Territorial Government, and part-time workers, having prior knowledge of the fact that said official ballots were to be numbered as aforesaid, both on the day of election and before that date, used said knowledge for the purpose of intimidating and threatening various electors in said Territory with loss of employment unless they voted in accordance with their demands, and against the contestor. That at the time of said election and for some time prior thereto, there were a great number of electors to wit about fifteen hundred, employed by the Territorial Government throughout the entire Territory upon the public roads, and in various departments of public work, and that these electors in particular were, by other government employees of superior rank, threatened and intimidated with loss of their said employment unless they voted against this contestor and in favor of contestee. Further that certain corporations doing business in said Territory and employing a large number of the electors thereof, made similar threats to and against their said employees, thereby coercing, intimidating and forcing the said employees to vote against contestor and in favor of contestee.

4. Because at Honolulu within said Territory, and at other places within said Territory as contestor is informed and believes and upon such information and belief states the fact to be, employees of the Territorial Government engaged in working upon the roads and other public works were organized into political clubs by officials in authority over them and during the campaign preceding the election were prohibited by said officials their overseers and others immediately in control over them from attending or in anywise participating in meetings held by contestor or others in his interest in furtherance of his candidacy and were threatened with loss of their said employment should they in any manner disobey this prohibition.

5. Because such clubs organized as aforesaid were on the day of said election under the command of an official or overseer marched in a body to the polls in uniform and wearing the regalia of their said clubs and were then and there threatened by said overseer or officer in charge that unless they voted against contestor and in favor of contestee that they would lose their said employment under the government that by reason of the numbers which were to be left on their ballots it could be easily ascertained how and for whom they voted that by this method and for these reasons many who intended and desired to vote for contestor were intimidated and coerced into voting against contestor and in favor of contestee.

6. Because large numbers of the electors at said election were induced by bribery in the payment of money and other things of value and promise of employment to vote for contestee against contestor.

Because by reason of the said illegal and wrong aforesaid and of the illegal use made of the unlawful power of said official hall to be by part-time workers for and in behalf of contestee and against the interest and confidence of contestor the result of said election was materially affected and the will of the electors or said

(Continued on Page 4)

JAPAN'S SHIPS ARE OFF JAVA

BATAVIA, Java, Dec. 30.—Japanese warships have passed Anjer on their way south.

TOKIO WELCOMES ADMIRALS.

TOKIO, Dec. 30.—Admirals Togo and Kamimura are being enthusiastically received. The city is en-fete.

FORTY-THREE GUNS TAKEN.

TOKIO, Dec. 30.—Forty-three guns were captured with Rihlungshan.

THE RUSSIAN VERSION.

ST. PETERSBURG, Dec. 30.—The capture of Rihlungshan only gives the Japanese control of the terrace beyond the principal forts on Keekwan hill, leaving the main line of Russian defences unbroken.

FIGHTING EUROPE'S BATTLES.

BERLIN, Dec. 3.—The conviction prevailing in the highest Governmental quarters that Russia is fighting for all of Europe in the present war is increasing in strength and affecting Germany's attitude towards the belligerents so that her friendliness towards Russia and her coolness towards Japan grows with every Russian reverse. The Government, the Associated Press is informed, has correspondence from China showing that hundreds of Japanese agents are penetrating into every part of the Chinese Empire distributing tracts and disseminating the idea that Asia should be for the Asiatics, that no European power has rights in its territory or in the trade of the East, and that Japan is fighting for all Asia in forcing Russia back. An opinion amounting to a certainty holds the minds of those directing Germany's policy, that the Boxer uprising or similar popular movements against the foreigners in China will be led by the Japanese who are laying the foundation for a vast Oriental Empire that might reach to the Urals.

AFTERNOON REPORT.

MOSCOW, Dec. 29.—The Japanese are accused of enlisting Chinese to fight against Russia.

TOKIO, Dec. 29.—The Japanese lost heavily in effecting the capture of the Rihlung fort, 1,000 men being lost. The garrison of 500 Russians escaped. The advance of the attacking force of Port Arthur is now close to the Liaodi mountain.

WASHINGTON, December 29th, 1904.

To the Japanese Consul-General, Honolulu:

Our Port Arthur beleaguering army reports as follows: "The left and center of our army at 10 a. m. on Wednesday blew up the parapet in front of the Ulungshan fort, then occupied the parapet by assault and constructed defensive works. Under the cover of our heavy guns and field guns and despite the enemy's fire, at 4 p. m. we assaulted and occupied the enemy's line of heavy guns in the interior; thereupon we proceeded to the gorge (?) of the fort, whence the enemy eventually dislodged after stout resistance, and thus the whole fort of Ulungshan fell into our hands at 7:30 p. m."

TAKAHIRA.

TOKIO, Dec. 28.—It is believed that another Japanese cruiser has been sunk by a mine.

PREPARING BLACK SEA FLEET.

SEVASTOPOL, Dec. 28.—Work is being pushed on the Black Sea fleet.

JAPANESE SERVICE LOSSES.

TOKIO, Dec. 28.—The published list of army mortality gives twenty-three officers killed and fifty-six wounded, presumably at Port Arthur. The navy list records nine officers and sixty-five men killed, indicating the loss of some vessel.

JAPANESE DOING WELL

TOKIO, Dec. 29.—The general operations at Port Arthur are progressing favorably.

TOGO AND KAMIMURA AT HOME

TOKIO, Dec. 29.—Admirals Togo and Kamimura are expected here on Friday to personally receive the congratulations of the Emperor.

WATCHING RUSSIAN SHIPS.

SHANGHAI, Dec. 29.—The taotai has ordered the Chinese squadron to prevent any attempt on the part of the Askold and Grozovoi to escape.

MORE TROUBLE FOR STOESSEL.

CHEFOO, Dec. 29.—It is reported that the Japanese have mounted two big siege guns on 203 meter hull.

GOV. CARTER'S REPORT.

WASHINGTON, Dec. 30.—Hawaiian Governor Carter's report urges an amendment to the Exclusion law to provide more Chinese laborers for the Territory, also the removal of restrictions upon the leasing of agricultural lands and suggests the organization of the islands into counties and municipalities.

OUTBREAK AT FOLSOM.

SACRAMENTO, Dec. 30.—Another outbreak has occurred at Folsom. Three prisoners have been killed, three fatally wounded and one guard hurt.

ADDICKS ONCE MORE.

DOVER, Del., Dec. 30.—Owing to a faction fight the Legislature is unable to organize.

COURTS OF TERRITORY

Chief Justice Frear Explains How They Are Organized.

The courts of the Territory are pretty effectually covered in Governor Carter's annual report to the Secretary of the Interior. Writing of the Judiciary proper, Chief Justice W. F. Frear says: The first four-year period in the history of this Territory has just come to a close, and with it important changes have taken place in the Territorial judiciary. Alfred S. Hartwell and Francis M. Hatch succeed Clinton A. Gairbraith and Antonio Perry as associate justices of the supreme court, and A. N. Kepolka, John A. Matthews, and C. F. Parsons succeed John W. Kalua, W. S. Edings, and Gilbert F. Little, respectively, as judges of the second, third, and fourth circuit courts.

The courts of Hawaii correspond with the courts in the States rather than the courts in the other Territories. There is a United States district court, which has also the jurisdiction of United States circuit court, and there are distinct Territorial courts. The latter are in general a supreme court, consisting of a chief justice and two associate justices, five circuit courts, each presided over by a circuit judge, except that the first circuit court has three judges, and twenty-nine district courts held by district magistrates. Cases may be taken from the supreme court, as from the State supreme courts, only to the Federal Supreme Court on writ of error and only when Federal questions are involved. The jurisdiction of the supreme court is mostly appellate. Cases are brought to it by appeal, writ of error, or exceptions. It holds one term a year, beginning the first Monday in October and continuing until final adjournment the following summer. The circuit courts have general original jurisdictions; also appellate jurisdiction in cases from the district courts. They hold, as a rule, three terms a year, varying in length from a few weeks to four months. The district courts have jurisdiction of misdemeanors and, with some exceptions, of civil cases in which the amount involved does not exceed \$300. They hold no terms, but sit continuously. Besides these courts of a general nature there are other courts or tribunals of a special nature, among which special mention may be made of the commissioner of private ways and water rights.

A year ago there seemed to be a growing sentiment that the number of the supreme court justices should be increased to five. The increase in the number of cases brought to that court seemed to call for an increase in the membership of the court in order to enable it to keep up with its work, but various changes that have taken place in legislation and otherwise afford ground for belief that this difficulty will be overcome to some extent at least in the near future. There are other reasons, however, which have not been overcome, but which alone perhaps might not at present be deemed sufficient to require an increase in the number of justices. A decision by a bench of five is naturally more satisfactory than one from a bench of three, especially if one of the justices dissents. An increase to five would also to some extent meet the argument for allowing appeals in cases in which Federal cases are not involved, or, if such appeals should be allowed, it would reduce the number of such cases in which appeals would be taken. The expense and delay that would result from such appeals, owing, among other things, to the distance from Washington, or even from California, is something that should be avoided as far as possible.

The appropriations for salaries and expenses in the judiciary department have been reduced in line with the general policy of retrenchment in view of the financial stringency in the Territory, but it is doubtful if this will operate to an appreciable extent in diminishing the efficiency of the judiciary, although it will impose heavier burdens on some officials and work more or less hardship on others.

As a rule the courts are either up to date or not far behind in their work. In the first circuit court in particular, much has been accomplished toward the relief of the calendar which was so congested a year ago. This has been brought about through almost continuous sessions of three judges trying jury and other cases, and was made possible mainly through legislation enacted by the last legislature. As a result largely of the great number of cases tried in the first circuit court, the calendar of the supreme court has gained somewhat on that court. There is reason to believe, however, that this court and all the courts of the Territory will be up to date in their work at the very distant time.

An additional court was added to the courts of record of the Territory by the last legislature, namely, the court of third registration.

This court has been in operation during the past year, though thus far it has had comparatively few cases. Several much needed changes have been made recently in the constitution in Hawaii, especially in the constitution of the courts, and the first circuit court, and in the reorganization of the clerk's office and the library. There is need of new courthouses in several of the other islands, the erection of which is hoped will not be long delayed. Many

volumes have been added to the Supreme Court and Circuit Court libraries during the past year.

The statistics of the judicial work of the courts are made up for the calendar years. It has been customary in the past to prepare the summaries for periods of two years for the biennial sessions of the Legislature. Hereafter they will be prepared yearly. The following will give a general idea of the number and character of the cases, both civil and criminal, and the nationality of the convicted in criminal cases. There are, of course, some duplications, owing to appeals from one court to another, and in some instances to a third court. In general there has been a slight falling off in the number of cases during the past year, as compared with the number during the preceding two years.

Attorney General Lorin Andrews has this to say concerning matters in his department:

The Legislature in 1903 passed a law increasing the number of Circuit Court terms on the islands outside of Oahu. It being the expectation that as the county act then passed would go into force on the 1st day of January, 1904, the additional work of representing the Territory at these added terms would not fall upon the Attorney General's office, but upon the new county attorneys. The immediate result, however, was to increase the work of this department.

Between the last of September, 1903, and the 30th of June, 1904, there have been thirteen circuit terms held, at which 196 criminal cases have been tried and disposed of, resulting in 131 convictions and 65 acquittals; and to this should be added the work of the various grand juries and the prosecution of offenders charged with misdemeanors.

In addition to this jury work the Attorney General's office has argued in 23 cases in the Supreme Court, 19 of which have been decided in favor of the Territory, and has tried 31 civil cases for the Territory.

Mr. Dole in his report for the period ending December 31, 1902, recites that in two and one-half years he had rendered 341 legal opinions to the departments. Since February 1, 1903, and up to June 30, 1904, the Attorney General's office has rendered 439 opinions to the various departments and to the Legislature, of which 287 were rendered within the period covered by this report. In addition thereto, within the last year the Attorney General's office has had 654 oral consultations with heads of departments and has drawn for their use 77 agreements, contracts, leases and other legal papers. In addition to these matters the Attorney General's office for the first time in many years has, at the request of the Treasurer, handled suits for delinquent taxes on the Island of Oahu.

While the Federal Judiciary Department is thus treated by United States District Attorney Breckonst:

During the early part of the year the local officers of the United States District Attorney's Department became convinced of the existence within the Territory of some kind of an organization whose operations were resulting in the importation of women from Japan for the purpose of prostitution, and in many instances in the holding of them to a condition of slavery within the Territory. Systematic and persistent work finally resulted in the unearthing of everything connected with this organization. Ample evidence was secured, showing the methods employed by the organization, and the names and addresses of the members, about 75 in number. During the year all of the members were indicted, and about two-thirds of them convicted and punished, their sentences ranging from four to eighteen months. The prosecution in these cases was not directed so much toward the suppression of prostitution as against the importation of women into the United States for the purpose of prostitution, and the holding of women to slavery.

A kindred class of cases handled during the year related to the sale by male Japanese of their wives to other Japanese. Many instances were unearthed in which Japanese husbands had, by written bill of sale, made direct transfers of their wives. In almost every case discovered, indeed, there was discovered also a written bill of sale, the document being nearly always couched in legal phraseology, resembling quite closely the usual form of bill of sale of chattels in use in the United States.

In both classes of cases above referred to the sentences inflicted were comparatively lenient. Their prosecution among the Japanese was treated by the department as more or less educational in its nature. In nearly all of the cases it appeared that the practices indulged in by the Japanese were not considered by them as particularly criminal in their nature. Most of the defendants came into court and frankly admitted all the facts, stating, however, that they were not aware of the existence of any law in the United States making these practices unlawful.

The prosecutions have had, in my judgment, a most beneficial effect. Several of the Japanese newspapers published in Honolulu have contained full accounts of the proceedings, and the entire Japanese population have by this time become fully acquainted with American laws on the subject.

A PROMINENT PUBLISHER ENDORES CHAMBERLAIN'S COUGH REMEDY.

Mr. Leon C. Streeter, proprietor of the Western Cape Colony Standard, says: "For the past seven years, or since we have been in South Africa, Chamberlain's Cough Remedy has always been kept in our household. My wife has found it to be invaluable with the children, and many employees have disappeared with astonishing rapidity under its influence. For sale by All Insiders and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii."

Mrs. Bond left on the Kilauea for her home at Kohala.

INSANE ASYLUM CONTRACT SHOULD GO INTO COURT

Governor Carter Says That He Wants The Muddle to be Cleared Up As Soon as Possible.

(From Wednesday's Advertiser)

"I think the proper course is to take the insane asylum contract matter into court and have the whole truth brought out," said Governor Carter yesterday.

"I want to have things bright and clean and shining. I want everything open and above board. I have found no fraud in this matter, as far as I have gone into it, but as the thing is left now there is a taint. Let us remove the taint."

"When I made my first proposition to the American-Hawaiian people to annul their contract, I believed that would be the best way out of the difficulty. That proposition fell through, and I have since come to the conclusion that it would not be fair to the people nor to other contractors to permit that contract to be annulled."

"The contractors declined to submit the matter to arbitration. Then let us get into the courts, and have them pass upon it. It will be the quickest way to get at the whole truth. I want the truth brought out."

There was an error, by the way, in the report of Governor Carter's talk with Aheong, the Chinese contractor. The story of the crushed rock that Architect Beardslee would not accept because he said there was dirt in it, as told by Aheong to the Governor, contained no mention of the Concrete Construction Company's quarry. What Aheong did say was this:

"My man took a load of crushed rock to the asylum, and was asked by the architect where the rock came from. 'From the Manoa quarry,' said my man, thinking that the rock came from there."

"We cannot take rock from there," said Beardslee. "It is full of dirt. You must get it from the Pauoa quarry."

"My man came back to me, and I told him that the rock was from Pauoa. He went back to Beardslee and told him this, and the rock was accepted."

And that is the tale as it was really told to the Governor.

MOLOKAI LUMBER CONTRACT MAY NOT GO TO PETER HIGH

Possibility of a Hitch in the Deal Between the Contractor and the Board of Health About Asiatic Labor.

There is just a hint that there may be a hitch in the granting of the contract to supply lumber to the Settlement on Molokai. It appears that when the bids for supplying lumber were opened by the officers of the Board of Health, the lowest bidder for the work was Peter High, of the Enterprise Mill Company. It was therefore up to the Board of Health to notify High that he had been given the contract, under the law, but it came to the officers of the Board that there were some Asiatics not citizens employed by High in his mills.

This caused a hitch because, under the provisions of Section 63, Session Laws of 1903, no lumber can be used at the Settlement in the handling or working up of which men not citizens have been employed. Instead, therefore, of High being notified that he has the contract, the matter has been passed up to Attorney General Andrews to determine whether the President of the Board of Health has the power to notify the contractor that the Board will accept no lumber that has been handled or worked by Chinese or Japanese. High, of course, may be able to show that the lumber, where it is surfaced, has not been worked in his mill at all, and also that the particular lumber sent to the Settlement has not been handled by non-citizens—in which event he would be within the law in claiming that the contract be granted to him and that his lumber be accepted.

The matter will be held up, just the same, pending the decision of the Attorney General, although High's contract would take effect until January 1st, and the case may be determined before then.

This same point was fought out two years ago, when the lowest bid was rejected absolutely because it was put in by a Chinese concern.

BIGELOW SPEAKS OF CONSULAR SERVICE

Poulthney Bigelow, the writer and lecturer, was a through passenger on the Sierra. He has been traveling extensively for the past eight months, gathering material for a series of lectures on "Colonial Expansion." He has taken great interest in the American consular system and has strong views on the subject. He believes that the lack of a promotion system has resulted in inferior men getting the jobs as rewards for political work. The pay is poor and the class of men who are in it are those for all they can make on the side. Mr. Bigelow illustrated by the case of Governor, the Consul at Shanghai, who has recently been recalled. Changes were proposed against him six years ago, but nothing was done up to a short time ago.

GRAHAM GOES AFTER EASTERN CAPITAL

Among the departing passengers on the steamer that left yesterday is Mr. W. M. Graham, one of our well-known young business men, who goes to New York for the purpose of securing capital for the development of one of the largest mining concessions in China. This concession covers an area of 25,000 square miles situated in the rich province of Szechuen and is owned by the Szechuen Government Merchants' Co-operative Mining Co. This large concession was explored in 1902 by Dr. R. L. Jacks, Government Geologist of Queensland and by Herbert L. Way, Superintendent Mining Engineer of the Rand Mines, South Africa. Their reports show this concession to include rich mines of gold, silver,

copper and quicksilver, that are now being worked by the crude native Chinese methods. The progressive Mandarins and Chinese capitalists composing the company have engaged Mr. Graham to organize an American company for which they subscribe one-half of the stock for the purpose of proceeding with the development of their properties.

The mineral resources of China today present a virgin field for the capitalist and the preference given to American capital in the development of this large concession is a hopeful sign for our future commercial relations.

JAG CAME FROM SWIPES

A native was brought to the police station yesterday afternoon and locked up in a cell. The officer noticed that he was in a pretty drunken condition and occasionally the turnkey looked in to see if he was all right. He noticed after a while that the man did not move from the position in which he was laid on the board bunk, and Dr. Emerson was called in to investigate the case.

At his instance the man was taken to the Queen's Hospital, where Dr. Sawyer worked over him for about an hour. It was discovered that the man was under the influence of a powerful "swipes" jag. Various stimulants were injected into his system and under these he gradually revived.

TRIAL OF JONES TAKES PRECEDENCE

It has been decided by the Attorney General that the first criminal trial of the January term will be that of Edward M. Jones for the murder of his divorced wife. Jones, it will be remembered, was a tuit of the murder of his mother-in-law upon the defense of insanity.

Emil C. Peters, Deputy Attorney General, will conduct the prosecution. Jones will be defended by A. G. M. Robertson and J. J. Dunne, his counsel at the former trial.

The Lumber Contract.

Attorney General Andrews did not consider it proper to make public the opinion he gave yesterday to the Board of Health on the lumber contract awarded to Peter High. He would not say more than that the matter was at the disposal of the Board of Health to act according to the terms of the statute regarding contracts for material and supplies. As this forbids the acceptance of material prepared here by non-citizen labor, the inference is that the Board will make a guarantee in that regard from Mr. High a condition of the contract.

Where Rats Take It Easily.

Editor Advertiser—Kindly permit me to arouse your interest in and call your attention to the Chinese block corner Kukui and Nuuanu (west). At the corner in Kukui (west) we at noon today saw two large rats walk in and out under the sidewalk, looking coolly for their lunch and finding the same in that standing menace and breeding place of plague, cholera, etc. It is a disgrace to the town, that locality, for one. A Chinaman, wife and baby were sitting so calm and stolid that it roused our ire and we said: "Why don't you clean up your place? Look at the rats, you will all die! (tough)."

I cannot see, probably you can, how the Board of Health (death) can be ignorant of these utterly outrageous places. It is disreputable beyond all words. ANNE M. PRESCOTT.

COURT ORDER FOR JANUARY

In the Judiciary Building yesterday, Judge De Bolt posted the following orders for procedure in his court during the January term:

1. All parties in interest are hereby notified, that, until otherwise ordered, during the January Term, 1905, the First Judge of this Circuit Court will hear demurrers, ex parte motions and other short matters each morning from 9 to 10 o'clock, upon previous arrangement therefor.

2. At 10 o'clock a. m., each day (except on Mondays of the said Judge's week at Chambers and on Saturdays) jury trials will be taken up and continued, to the exclusion of all other matters, for the day.

3. Recess from 12 m. to 2 p. m., Court adjourning at 4 p. m., for the day, unless otherwise ordered.

4. That on the 5th day of January, A. D. 1905, at 9 o'clock a. m. sharp, the First Judge will call the entire Civil Calendar, (odd numbers), for the purpose of having the cases set down as Ready for Trial in their order or other proper disposition.

5. That from the 5th day of January, 1905, immediately after the calling of the calendar, and the 14th day of January, 1905, from 9 a. m. to 12 m., and 2 p. m. to 4 p. m., the First Judge will hear demurrers, ex parte motions and other short matters, upon previous arrangement therefor, and will also take up Jury Waived cases in their order.

6. On Tuesday the 15th day of January, 1905, at 10 a. m., the Jurors summoned for said term will appear in said Judge's Court Room, at which time the Court will proceed with Jury trials.

7. The Jury will be excused at 4 p. m., each Friday, until 10 a. m., Monday following, except when it is said Judge's week at Chambers, when the Jury will be excused until 10 a. m., Tuesday following, unless otherwise ordered.

8. On Saturdays, from 9 a. m. to 12 m., motions, demurrers and other matters, not requiring a Jury will be heard.

ROBINSON UPSETS GEAR

Two Decisions of the Absent Judge Are Turned Down.

In the Circuit Court yesterday Judge Robinson upset a couple of decisions made by Judge Gear upon a law point that is of great interest to all the people of the Territory and which, incidentally, has already been twice indirectly passed upon adversely to Gear by the Supreme Court of Hawaii.

Judge Robinson's ruling was in the matter of the habeas corpus proceeding brought in behalf of Hop Sing Wo, convicted in the lower court of conducting a restaurant without a license. Attorney C. C. Biting asked that the Chinese, who had been fined \$10, be released because he claimed that the section under which he had been convicted was unconstitutional, in that the Board of Health was given too much power.

Resisting the application, Deputy Attorney General Fleming held that the section forbidding the issuance of a license for a hotel or restaurant on premises where the Board of Health had forbidden the issuance of such license because the premises were not in proper sanitary condition was a lawful police regulation in the interest of the public health. It was true that Judge Gear had twice held, in the Frank Luneko case and one other, that the vesting of such arbitrary discretion in Board of Health was unconstitutional, but Mr. Fleming argued that in a police regulation and its enforcement, there must be an arbitrary discretion, if the regulation was to be enforced at all. A building, for instance, that was sanitary in one part of town might be insanitary in another.

After the case had been fought out during the greater part of the day, Judge Robinson held that the discretionary power was properly vested in the Board, and denied the application for a writ.

Attorney Biting gave notice of appeal.

COURT NOTES.

Deputy Attorney General Prosser left last night for Kauai, to take the term of court in the Fifth Circuit. He will be absent about three weeks.

In Maria Correa vs. L. M. Baldwin and W. E. Saffery, an appeal from the District Court at Wailuku, the Supreme Court holds that a continuance of the case for an uncertain and indefinite period, namely "until defendant L. M. Baldwin shall get well," is equivalent to a dismissal of the case, and is appealable. The case is remanded.

In the admiralty case of Mrs. Makela against the bark Olympic, a suit for damages arising out of the death of a stevedore by falling into the hold of the ship, argument was heard by Judge Dole yesterday on a motion to amend by the libellant. J. J. Dunne was for the libellant and H. E. Cooper for the ship.

The Supreme Court yesterday dismissed the appeal in the case of the Kona-Kau Telephone Company vs. H. T. Mills in one sentence.

Equally brief is the decision in the case of M. F. Scott vs. H. T. Mills, where the Supreme Court says: "Ahoy vs. Scott is not in point. Judgment affirmed."

In Lo Toon, alias Lo Chon, plaintiff in error, vs. The Territory of Hawaii, the Supreme Court overrules all the plaintiff's exceptions. The plaintiff was convicted in the Circuit Court in November, 1903, of an assault with a deadly weapon with intent to commit murder.

Before Judge Whitney, Tax Assessor Holt has begun suit against the captains of various long steamers to collect income and port taxes. The masters sued were W. K. Freeman, W. C. Bruhn, R. F. Bennett, W. F. Thompson, S. Thompson and C. Pederson.

ORPHEUM APPEAL IS DISMISSED

The Supreme Court yesterday dismissed the appeal of the defendant in the case of J. J. Byrne vs. the Orpheum Co., Ltd., the ruling being as follows:

This was an action for assumpsit on defendant's promissory note. Summons issued Dec. 15, 1903, process served Dec. 16, and answer filed Jan. 8, 1904, no order of default having been entered or moved for. January 7 plaintiff filed a motion for an order for default based on a certificate of the clerk dated Jan. 6, that more than twenty days had elapsed since the service and that the defendant had not filed any pleading other than a paper entitled an answer in which a general denial of the allegations of plaintiff's declaration, dated Jan. 6.

On Jan. 9 the court filed an order that no pleading had been filed within the time allowed by law, the answers filed Jan. 6 not being such as required, and ordered the defendant declared in default, the clerk being authorized to enter a judgment for defendant's claim. Defendant's motion to file a verified answer was denied. The defendant appealed from the order, ruling and judgment.

The decision per curiam holds that the order for default was authorized by the showing made, and it does not appear that there was any abuse of discretion in refusing to open the default, no meritorious defense having been suggested other than a verified answer.

BISHOP NOT CORPORATION

Supreme Court Makes Ruling of Importance to Catholic Church.

In the Supreme Court yesterday morning, Chief Justice Frear handed down a decision, his colleagues concurring, in the case of Bishop Libbert vs. Maile Paahao, action in ejectment for less than one acre of Kailhi land. The appeal comes from the Circuit Court which, after striking out much of the plaintiff's evidence, ordered a non-suit, overruling exceptions. The decision, in its essential points, follows:

When a plaintiff has rested, and much evidence essential to his case has been struck out or excluded, but other essential evidence has not been offered, a non-suit may be ordered and the striking out or exclusion of the essential evidence is harmless.

The Bishop of the Roman Catholic Church in Hawaii is not a sole corporation and cannot take by succession from his predecessor in office. To sustain ejectment, he must show a privity of title or estate between himself and his predecessor, if he claims under his predecessor, whether he claims by paper title of adverse possession.

This is an action of ejectment for 85-100 of an acre of land situated at Kailhi, Oahu, covered by L. C. A. 10,498, R. P. 2646 to Nahinu, part of a lot containing 1 83-100 acres, originally enclosed by one stone wall and used, according to plaintiff's claim, for forty years or so as a site for a Catholic church and a burying ground. The action was begun by the Right Reverend Gustaf F. Ropert, Bishop of Honolulu, but before the trial his death was suggested and the present plaintiff, his successor in office, was substituted in his place.

It does not appear that the Bishop of the Roman Catholic church in Hawaii has ever been created a corporation or even recognized as such by statute or judicial decision. Chapter 67 of the laws of 1886, in which a quitclaim of a piece of land that had been used by the Catholic church since 1839, was made and authorized to be made to the predecessor of Bishop Gustaf, seems to have been framed on the supposition that the bishop was not a corporation. Section 1 quitclaimed the land to "Hermann Kockemann, Bishop of Oiba and Vicar Apostolic of the Hawaiian Islands." In trust for the Catholic Mission of the Hawaiian Islands.

HALL WINS HIS CASE.

In the case of the Washington Mercantile Company, Ltd., vs. Wm. A. Hall, the Supreme Court yesterday morning gave a decision per curiam sustaining the exceptions of defendants from the ruling of the First Circuit Court. In this case the District Magistrate gave plaintiff judgment in his action of assumpsit on a promissory note. Defendant appealed, waiving jury, and the case stood on the calendar of Jan. 1904 term, No. 463. An order was made December, 1903, assigning all odd-numbered civil cases to the first judge. The order also said that all cases in which neither party answered ready would be peremptorily continued for the term or dismissed, also that the calendar would be called from time to time, counsel to be notified of this through the press or otherwise. By an order of the court made Dec. 31, 1903, all odd-numbered cases of the jury waived calendar were called at 9 a. m., Jan. 4, 1904. As no counsel on either side appeared the appeal was dismissed. On Jan 8 the defendant made a motion to reinstate the case and vacate the order dismissing it, on the ground that the Circuit court had not been opened at the time the order was made, that the third judge who had been assigned presiding judge at the January term did not open term until 10 a. m., Jan. 4, the order having been made at 9 a. m. before the term was legally open for business, that the absence of the defendant's attorney was a mistake on his part, and that the order to dismiss was an abuse of discretion.

The syllabus says as follows. Apparently both parties were ignorant of or misapprehended the order made by the first judge Dec. 31 that the jury waived calendar would be called at 9 a. m., Jan. 4 without deciding the validity of any term acts of the first judge done prior to 10 a. m., Jan. 4 at which hour the term was formally opened, we think that this is a case in which it would be proper that the order of dismissal be rescinded and the cause remanded to the Circuit Court of the First Circuit for trial, or such other proceedings as may be appropriate, and it is so ordered. The exceptions are sustained.

YOU TAKE DESPERATE CHANCES WHEN YOU NEGLECT A COLD.

It should be borne in mind that every cold weakens the lungs, lowers the vitality and makes the system less able to withstand each succeeding cold, thereby paving the way for more serious diseases. Can you afford to take such desperate chances when Chamberlain's Cough Remedy, famous for its cures of colds, can be had for a trial? Sold by all dealers and Druggists. Benson Smith & Co. Ltd. Agents for Hawaii.

Protet Way to Big Island

When the French cruiser Protet leaves Honolulu next Monday morning she may go to Hilo before proceeding to the coast. Commadore Adegard and the officers are anxious to see the island and visit the volcano.

NICHOLLS TO SANDY HOOK

Artillery Captain Goes Into Ordnance Bureau.

Captain J. C. Nicholls, Artillery Corps, U. S. A., who was the senior company officer at Camp McKinley, departed yesterday in the Sierra, en route to the Sandy Hook, N. J., station. Captain Nicholls' departure was somewhat sudden, he having received cable orders two or three days ago to report at his new station at the first opportunity.

Captain Nicholls recently took examinations for a captaincy in the ordnance department of the army and the cable orders gave him the first intimation that he had passed them successfully. It is somewhat in the nature of a promotion, the ordnance department occupying a similar relation to the artillery corps that the engineer department does toward the general military service. It also gives him \$48 more pay per month.

Captain Nicholls has been one of the most popular officers at the camp and he has made a host of friends, who regret his departure. His rise in the service is rapid, for it was only about seven months ago that he secured his captaincy. "I felt that by staying in Honolulu for my allotted term of three years," he said yesterday, "that I was losing much of the opportunity to keep pace with the real work of my branch. I felt that if I stayed here I would become rusty. I therefore decided to take the examination for the ordnance department. If the artillery corps in Honolulu had its coast guns it would be different, but here the service is acting as infantry."

POLICE COURT HAS BIG GRIST

The Police Court had a busy time of it yesterday. With 54 arrests during the Christmas season and the many hold overs there were 76 cases on the docket. The great majority of the prisoners were drunks and gamblers, with drunks leading the list for once. The gamblers all got \$5 and costs, while most of the drunks got off for \$3. A few old offenders, however, were soaked \$5 and one, Manuel Vasconcelos, appealed from this ruling. Fights must have been fairly numerous, as there were seven up for affray and assault and battery.

During the day Charles Vampoon was arrested for larceny in the first degree. It seems that he has been stealing copper pipe from the Oahu Railway and Land Company for the past year. Sanford Markham, a ten-year-old boy, was arrested on complaint of Mrs. Markle, for malicious injury, she claiming that he had pulled up some of her plants. Three Porto Ricans were arrested for gambling. Several drunks managed to keep the station house from absolute stagnation.

THE BRIGHT SIDE

of life. It is a feeling common to the majority of us that we do not get quite the amount of happiness we are entitled to. Among the countless things which tend to make us more or less miserable ill health takes first place. Hannah More said that sin was generally to be attributed to biliousness. No doubt a crippled liver with the resulting impure blood, is the cause of more mental gloom than any other single thing. And who can reckon up the fearful aggregate of pain, loss and fear arising from the many diseases which are familiar to mankind; like a vast cloud it hangs over a multitude no one can number. You can see these people everywhere. For their life can scarcely be said to have any "bright side" at all. Hence the eagerness with which they search for relief and cure. Remedies like WAMPOL'S PREPARATION have not attained their high position in the confidence of the people by bald assertions and boasting advertisements. They are obliged to win it by doing actually what is claimed for them. That this remedy deserves its reputation is conceded. It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, combined with the Compound Syrup of Hypophosphites, Extracts of Malt and Wild Cherry. Nothing has such a record of success in Scrofula, Influenza, Throat and Lung Troubles, and emaciating complaints and disorders that tend to undermine the foundations of strength and vigour. Its use helps to show life's brighter side. Professor Reddy, of Canada, says: "I have much pleasure in stating that I have used it in cases of debility and found it to be a very valuable remedy as well as pleasant to take." You cannot be disappointed in it. Sold by chemists.

HOW RIGHTS TO FISHERIES CAME TO BE ESTABLISHED

(From Wednesday's Advertiser.)

An interesting chapter of the history of Hawaii is told by Governor Carter's chapter on fisheries, contained in his annual report to the Secretary of the Interior. The Governor says:

As far back as 1839, at the time when all the lands and appurtenances were the absolute possession of the monarch, Kamehameha II issued a proclamation, which had the effect of law, giving to the chiefs, who held for him large tracts of land, fishing rights adjoining their lands and running sometimes for a space of three miles into the ocean.

At the great division of lands in the latter forties, a land commission was appointed to examine into the titles and carry out the division between the monarch, the chiefs, and the common people. This land commission recognized the fishing rights, and the various legislatures from time to time have enacted laws recognizing the right of the owner of the land to these fishing privileges, of which there are two classes—first, those which are described by metes and bounds in land awards, and secondly, those whose boundaries have been handed down by tradition from time immemorial. Thus the waters surrounding these islands have at no time in the past been free.

By reference to the article on the attorney-general's department it will be noted that Congress abrogated all exclusive fishing rights; but in order to protect vested rights, if any existed, provided that all claims must be filed within two years, and that they should be adjudicated in the courts of this Territory, and if it should be proven they were vested rights then the Territory must proceed to condemn and pay, from money not otherwise appropriated, for such fisheries, so that the same may be free to the public.

Owing to the high price and large consumption of fish by the people of these islands these rights are of great value; in some instances they are of more value than the land itself. There are at least 150 fishing privileges in the Territory, including almost all the waters surrounding the islands, while but 82 claims have been filed within the two years allowed by the organic act.

The matter was taken to the supreme court of the Territory, which decided that as these rights were granted by a general act of the legislature they were merely privileges and could be set aside by any future general act, and thus the claimants had no vested rights in the fisheries. The claimants, however, were not satisfied, and a case where there was an award granting fishing rights by metes and bounds was appealed to the Supreme Court of the United States, which in May of this year rendered a decision reversing the Territorial supreme court and upholding the theory of vested right. During the argument it was admitted by the court that it was doubtful whether Congress had the authority to place a limit upon the time wherein claimants must bring suit or lose their vested right. Since this decision not only the successful appellant, but probably others have taken possession of their rights and prohibited general fishing within their bounds, the Territory being, of course, helpless in the matter.

The Territorial officials are proceeding to bring all of these claims to trial to ascertain whether the claimants can prove their right to the fishing privileges by competent evidence and, upon such claim being proved, to bring condemnation proceedings as required by the organic act.

The Territory, however, is absolutely unable to meet the payment of these claims as prescribed by Congress. There is already a deficiency, and it is impossible to say when there will be funds unappropriated. In the meantime, however, these private owners, owing to the result of the litigation, will undoubtedly keep possession of their fishing privileges, and, if it is desired by Congress that they should be free to all, it seems impossible to accomplish this without the payment by the Federal Government of the value of these claims.

PREPARING FOR INAUGURATION

(Mail Special to the Advertiser.)

WASHINGTON, D. C., Dec. 12.—In the inauguration of a President of the United States, such as the people are looking forward to, there is a vast deal of preparation which in the States is hardly dreamed of. The press dispatches say briefly that the inauguration will be on a grand but dignified scale, more so than when any previous President has taken the official oath.

The inaugural preparations are something that the city of Washington and its substantial business men, of whom there are many, take particular pride in. It has been so for generations, back even to the time when preparations for an inaugural were of no greater proportions than the preparations for a political barbecue. No sooner is a president elected in November, than the business men of Washington begin to look around regarding the inaugural arrangements. Not one of them receives a penny for his services and when it is remembered that none of the residents of Washington has a vote, the generosity and public spirit of the citizens in undertaking work of such magnitude cannot be gainsaid.

The first thing, of course, is the choice of an inaugural chairman. He is the executive head of the plans and is the only official directly known to the President. This chairman rides down Pennsylvania Avenue with the President on his way to the Capitol. He is chosen by the chairman of the National Committee of the victorious party and, naturally, is a man acceptable to the President elect. It is regarded in Washington as a very decided honor to be chairman of the inaugural committee, although not a few men have declined it because they could not devote the time the office requires. Always there are designing men, who want to further their own interests by being selected for chairman. This year one of the aspirants was a business man who has many interests that can be furthered by legislation. He had influential men working in his behalf but the President and Chairman Cortelyou would have no man of that character.

The President's choice for inaugural chairman this year was Mr. Charles C. Glover, a native of North Carolina, but now a bank president and one of the most highly respected men in the District. Mr. Glover's business interests were so pressing that he could not

(Continued on page 7.)

BURTON'S LAST STAND

Supreme Court Keenly Quizzes Attorney Dillon.

Judge John F. Dillon of New York occupied three hours before the United States Supreme Court on November 30, in the opening argument on behalf of Senator J. R. Burton of Kansas. The court manifested unusual interest in the argument, and different justices asked questions as it progressed, some of them being very pointed. Judge Dillon emphasized the following points, according to a telegraphed report in the St. Louis Globe-Democrat:

1. There must be some matter before a department, or actually pending therein, before there can be an offense committed against the government, under the section of the federal statute under which Burton was indicted at St. Louis.

2. The United States must be a party interested in that matter.

3. The defendant must render, or agree to render, services in that matter for compensation received or agreed to be received.

He dwelt upon the troubles of the late Hugh C. Dennis, whom he characterized as a man of high character and ability, and represented that Senator Burton had in reality been retained as counsel for Dennis, to defend him in the event of the expected indictment of Dennis, when Brooks, of the former Brooks brokerage company, was at war with Dennis, and seeking to have him indicted. Judge Dillon said Brooks attempted to blackmail Dennis for \$25,000, and, failing, sought to give him trouble through the courts and the post office department, by securing the issuance of a fraud order denying the Rialto company the use of the mails. The five visits of Senator Burton to the post office department, it was represented, were for the purpose of simply making inquiries, and not to prevent the issuance of a fraud order. He asked for the return of Brooks' books, which had been taken by alleged postoffice inspectors, who were, in reality, customers of the Brooks concern, who took that method of getting back something for the money they had invested through the concern.

In closing, Judge Dillon again referred to the instructions of Judge Adams, maintaining that when the latter used the words "in order to excuse Senator Burton from anything he did in these five visits, you must find he did not render these services for compensation," he left the jury no alternative, but implied that he was guilty under the government statute. Justice Harlan asked if the United States was not interested in protecting its mails against fraud, to which Judge Dillon replied that the United States was no more a party to such cases than it was to all other governmental business, and that it was clearly the intent of the law that the United States should be interested, as it would be interested in case of a claim against it.

Judge Dillon's law firm was engaged by Secretary Carter as counsel in floating the first Territorial loan, receiving a fee of \$1000 for its services. Secretary Atkinson, as shown by his cablegrams, has renewed the relation in floating the second million dollar loan. Later news than the foregoing gives the substance of the supplemental brief filed by the Government in the Burton case. It contends strongly for the guilt of the defendant although admitting that the Senator's course in support of the interest of his client, the Rialto Company, was not always clear. Burton is represented to have held up the investigation because he was a Senator, and not merely because he was a general counsel of the Rialto Company. If the judge's charge complained of by defendant's counsel was not perfectly accurate and just, the brief says, then the most dangerous evil in the entire situation—that intangible, subtle and insidious thing, "influence"—could never be reached even where the recipient of compensations was plainly shown.

TREASURY ESTIMATE FOR COMING FISCAL YEAR

Governor Carter is in receipt of the tabulated estimates of the Treasury Department for the coming fiscal year, issued by the Secretary of the Treasury at Washington. The eminent gentleman who issued the book has made the mistake once more of charging Honolulu among the insular possessions of the United States, but aside from that slip no fault can be found with the treatment of the islands. There have been no increases of salaries of Federal officials in the island court or otherwise, but neither has the salary of anybody been cut down. It is stated that the estimate for harbor work has been cut down from \$26,100, which was the total asked for last year, when \$20,000 was granted to \$40,000, and it is urgently recommended that the entire appropriation shall be made at once. This would make \$20,000 available should Congress accept the estimate. Of course this is a large sum from any special appropriation that may be made by the Committee on Rivers and Harbors. The Quarantine Service asks for \$250,000 for the year, the same amount that was given last year. And the needs of Honolulu are looked after in this sum.

KAIPU CASE GOES OVER

Attorney Ashford Wants A Week to Make Tests.

The habeas corpus case of the alleged leper, Mikala Kaipu, went over for a week in the United States District Court yesterday because Attorney C. W. Ashford claimed that the methods of the physicians for the Board of Health in determining the existence of leprosy in a patient were altogether out of date.

It seems that there was some difficulty in getting a white doctor to accompany the Japanese physicians whom it was desired should make an examination of the suspect, and the Japanese did not want to undertake the task unless some reputable white physician was present at the time. Finally, Dr. Day said that he would go with Dr. Uchida to make the examination, provided the court would order him to do so.

The order was made accordingly, and then Mr. Ashford came into court yesterday and asked that the matter go over for one week more because, as he claimed, Dr. Day said that he had a new method for determining the existence of leprosy in a patient, which was entirely different from the method adopted by the Board but which, according to Mr. Ashford, was a much more determinate method.

Attorney General Andrews opposed the granting of the continuance, arguing that there was already abundant medical testimony of the existence of leprosy in the suspect, and that all the doctors had declared themselves satisfied with the official manner of making tests. Mr. Andrews, moreover, argued that the case had already taken a great deal of the time of his department which time, in effect, he thought had been wasted to no purpose. Judge Dole nevertheless granted the continuance and the case went over until next Tuesday.

MANAGER'S REPORT ON HONOLULU CO.

In his report on the Honolulua Sugar Company Manager Fuller says: We had a good run in mill and boiling house and finished grinding in June.

The 1904 crop gave us a total yield of 5489 tons of sugar and fell short of my estimate of last year. Weather conditions were unfavorable for this crop from the start, especially the cold, wet weather of 1903, and it was also affected adversely to some extent by the leaf hopper pest. The yield from the ratoon cane was much lower than from the plant.

Both plant and ratoon cane for the 1905 crop are looking well and if good growing weather continues until harvesting the estimate I have made will probably be exceeded.

The 1906 crop, which has had a very favorable season, is well advanced, and with an ordinary good season we may expect a very satisfactory yield.

In front of present nine-roll mill we are placing a second hand two-roll mill to be used as crusher. This is now in course of construction and will be ready for next year's grinding. We find that the yellow Caledonia cane is much harder to grind than the varieties of cane we have grown formerly, and we expect by using this mill as a crusher to ease the strain on the nine-roll mill and also do better grinding. Output crop, 1904—5,489 33-80 tons. Total number of days in operation 125, tons sugar produced per day on double time, 46.27, tons sugar produced per day on single time, 19.52. Gross proceeds, \$392,423.68. Net proceeds at mill \$343,723.71. Realizations \$349,297.07 disbursements for operations on all crops, \$277,750.52, less depreciation, \$47,162.90, surplus \$118,709.45. Dividends paid for year, \$45,600.

NURSING MOTHERS

"A richer milk than milk" is good food for nursing mothers. Scott's Emulsion is the rich cream of cod liver oil, and contains ten times as much cream as milk does.

The nursing mother must eat with the purpose of producing good, nourishing milk for her baby. A little Scott's Emulsion is often a very wise addition to her daily diet. If through nervousness or weakness her milk is a failure, Scott's Emulsion will help make it a success.

The baby gets the benefit, too, when the mother takes Scott's Emulsion. The same remedy brings new strength and nourishment to both.

We'll send you a sample free upon request. SCOTT & BOWNE, 409 Pearl Street, New York.

Hawaiian Gazette.

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ISSUED TUESDAYS AND FRIDAYS.

WALTER G. SMITH, Editor.

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Payable Invariably in Advance.

A. W. PEARSON,
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FRIDAY : : : DECEMBER 30

THE RUIN OF A BANK.

There is enough local interest in the affairs of the wrecked Oberlin bank, a concern in which Honolulu money was deposited, to warrant a somewhat precise account of the manner in which the brilliant adventuress, Mrs. Chadwick, got herself in debt to the institution on unsecured paper for more than \$250,000.

The sworn statement of President Beckwith shows that he was led into the maze of disasters by Mrs. Chadwick's promise to make his bank the trustee for the \$500,000 in securities which she claimed to possess, and which were then held in trust, she said, by a financier named Irl Reynolds. For the bank's service and their individual work President Beckwith and Cashier Spear each were to receive \$10,000 per year and the bank was to be given a bonus of close to \$40,000. The trust fund of \$500,000—which was a myth—was to have been turned over to President Beckwith July 1, 1933. In the meantime Mrs. Chadwick got loans exceeding \$250,000, using the name of her alleged father, Andrew Carnegie, and a forged note of his to conjure with.

All went well until the date came for the transfer of the \$500,000 trust fund and there was nothing doing. Cashier Spear humbly inquired why. He was advised that Mrs. Chadwick had previously negotiated with a Pittsburgh bank to act as her trustee and before she had learned of the standing of the Oberlin bank she gave the Pittsburgh institution a power of attorney. She wanted to have this surrendered before she relieved Irl Reynolds of Cleveland of the trust and turned the security over to Mr. Beckwith.

She was granted six months more time by the banker and again he wanted to know why he had not been made custodian of the funds. In the meantime Mrs. Chadwick's indebtedness was increasing and finally, early in January of this year, Mr. Beckwith demanded some actual security for his loans.

Then the Andrew Carnegie notes were flashed on him and he was satisfied for the time being.

The story of a Carnegie paternity was also told. It was a wonderful tale. Mrs. Chadwick did not want her secret divulged, and she put the banker under solemn oath. She admonished them to be just as secretive about the Carnegie notes, for she knew that if her wealthy relative heard that she had hypothesized the securities there would be much trouble. And it was because of these promises that the bankers held their tongues so long.

Mrs. Chadwick explained that she got the \$1,250,000 notes from Andrew Carnegie in trade for Caledonian Railroad stock. These stocks comprised a part of the original trust fund, according to the woman, and when the great financier desired to get possession of them to manipulate some big deal he gave his notes for them.

President Beckwith says he and Cashier Spear indorsed one of the notes when the bank became hard pressed for funds because of the Chadwick loans. The banker went to New York with the indorsed note with the intention of realizing cash on it, but he lost heart at the last minute because he was fearful the hypothecation would trip up the trust deal with Mrs. Chadwick.

President Beckwith tells how he went to Mrs. Chadwick after time and time again insisted on payment. Again and again promises were made that money would be forthcoming in a day or two. He visited Mrs. Chadwick in the Holland House in New York, where she occupied a suite of fine rooms and was surrounded by maids and attendants. There was every evidence of expensive living, but not a cent could he get.

Then came the deplorable death of W. B. Redortha, of Oberlin, attorney for the bank, and his deathbed revelation to several Directors of the bank of the President being involved with Mrs. Chadwick. This was followed by a trip to New York, participated in by the President and three Directors. On this occasion Attorney Powers was with Mrs. Chadwick. Representations were received that every arrangement was made to settle the Oberlin claim except the signature of Irl Chadwick. These were to be forthcoming the next day and the Directors were sent home in high glee. President Beckwith stayed over—once more he was doomed to bitter disappointment.

President Beckwith never was able to get back at the \$500,000 securities, but he went to the Wards Bank in Cleveland, Ohio, where Irl Reynolds, cousin of the Oberlin banker, secured him some money. Mrs. Chadwick told the board of directors about three New York money men who were the real trustees of the bank. She mentioned the name of William Paulding, presumably a witness, but Mr. Beckwith never met him in the metropolis. He was a money man, but the bank was dominated by the Oberlin banker, told of his trip to Cleveland to get the securities.

At one time in Mrs. Chadwick's presence President Beckwith drew a revolver and threatened to commit suicide. The gun play brought hysteria, but no funds. Parleying continued un-

til the Cleveland exposure came and the securities held by Irl Reynolds were examined and found to be worthless. Then the Oberlin bank went into the hands of a receiver.

COL. LAUKEA BEGINS HIS CONTEST

(Continued from Page 1.)

Territory annulled and defeated and the contestor deprived of the office to which, but for the frauds, intimidations and coercion aforesaid, he would otherwise have been declared lawfully elected.

You are further notified that by reason of the illegal ballots voted and counted as aforesaid and the intimidation and coercion made possible by reason thereof, the election was wholly illegal and void at each and every precinct where the same were voted, to wit: the 3rd of the first, the 1st and 2nd of the second, the 2nd, 5th, 6th, 16th and 17th and 18th of the third, the 3rd, 5th, 9th and 10th of the fourth, and the 1st, 2nd, 6th, 7th, 8th, 9th, 10th and 11th of the fifth district, and that contestor is advised and believes and on such information and belief alleges the fact to be that such illegal ballots were voted at many other precincts in said Territory and that all of the ballots cast at said precincts were illegal and void, and none of them should have been counted and that the total of the votes cast and counted for said office at the precincts aforesaid were more than 5000 and in excess of the majority of the vote certified to have been received by the contestor; that in furtherance of the wrongful purpose and intention of printing the ballot numbered as aforesaid, it will appear that in the 7th precinct of the 3rd election district on the morning following said election, to wit: November 8th, the Chairman of the Board of Election Inspectors in the presence of two citizens not election officers was publicly inspecting the ballots cast at said precinct and checking them up by means of the number and name on the poll list and ascertaining and making public how and for whom each elector had voted; that the election officers in the 7th precinct of the 4th District after some 200 votes had been cast with the numbers on the ballots as aforesaid against the contestors written protest, mutilated said ballots by wrongfully tearing off the said numbers, and contestor is advised and believes and on such information and belief alleges the fact to be that the election officers at other precincts throughout said Territory, by and with the advice and under the direction of the Governor and Attorney General of said Territory, wrongfully mutilated the ballots in like manner, for the purpose, as contestor is informed and believes, of destroying primary evidence of the illegality of said ballots; that contestor protested to the inspectors of election at the various precincts in the 3rd and 4th districts, also to the Governor and Secretary of said Territory against depositing the ballots in the box with the numbers on them, and again protested, before the counting of same was begun, against the mutilation of the ballots by removing the numbers after they have been placed in the box, orally and in writing, but to no avail; that his written protest to the Governor and Secretary of the Territory was in words and figures following, to wit:

To Geo. R. Carter, Governor of the Territory of Hawaii, A. L. C. Atkinson, Secretary of the Territory of Hawaii: The Inspectors of Election at each and every polling place throughout the Territory of Hawaii; and to Whom it May Concern:

The undersigned, Curtis P. Laukea, duly qualified candidate for Delegate to the House of Representatives of the United States to serve for the 58th Congress thereof, hereby notifies you and each of you of his intention to protest, and he hereby does protest, against the election held in this Territory this 8th day of November, A. D. 1934, on the ground that said election is null, void and fraudulent, in fact because no election as provided by law has been held in this Territory; in that said election has been held and conducted in violation of the Election Laws of the Territory of Hawaii, securing and assuring the secrecy of the ballot, and that such violation of the secrecy of the ballot has come about through the official conduct of said election, and through those to whom the conduct of said election and the control of the machinery thereof has been duly committed by law.

The undersigned protests further that the invasion of the secrecy of the ballot through failure of inspectors at various polling places to conform to the law and rules and regulations providing that the number of the ballot shall be detached therefrom before the same is deposited in the ballot box has controlled and affected the vote of many electors particularly those employed as laborers upon public roads and public improvement, whereby said voters, fearing the contamination of the ballot have been deterred and induced to vote the illegal or false, when in truth they were desiring and planning to vote otherwise.

That being exhausted all other means at his command to prevent the perpetration of the frauds complained of, contestor in the afternoon of said election day presented his bill for a writ of habeas corpus to the Honorable Supreme Court of the Territory of Hawaii, and obtained an order against the election officers of the 10th precinct of the 4th district restraining them and each of them from defacing, destroying or otherwise interfering with or changing the said ballot so illegally cast as aforesaid, but before said injunction was served the said election officers had mutilated, defaced and changed said ballots, and this injunction proceedings were also unavailing to prevent the wrong and outrages hereinbefore set forth.

Wherefore, the contestor shows that at the said election and by the means and methods aforesaid, Jonah K. Kalaianaoale was not duly elected as Delegate from the Territory of Hawaii to the 58th Congress of the House of Representatives of the United States of America, and that the said election held as aforesaid was illegal and void and therefore the return declaring and returning the said Jonah K. Kalaianaoale as duly elected to said office is false.

GRAND JURY LEAKAGE SENDS WITNESS TO JAIL

An investigation of the suspected treachery of one of its own members by the Territorial grand jury yesterday struck a snag, and Leon Renault, the man who planted the obstacle in the current of justice, spent last night in Oahu jail as a consequence.

Though the name of the grand juror under a cloud is to the outside world unknown, the court document in the case puts his offense in the category of a criminal leak of grand jury secrets. The lawyer talk in court, indeed, gave the affair the ugly name of "conspiracy with outsiders."

A clause of the grand jury's petition to have Leon Renault cited for contempt of court in refusing, as a witness before the grand jury, to answer questions reads as follows: "That said proceeding aforesaid was the investigation by this grand jury of violation, by a member of said grand jury, of the secrecy of the proceedings held by said grand jury, to wit, the proceedings held by said grand jury in the matter of the case of the Territory of Hawaii versus John Doe Leon, whose true name is Leon Renault, the witness above named."

Among the specifications of Renault's alleged contempt it is said that Deputy Attorney General Peters, in the grand jury room, cautioned him that he was not called for the purpose of testifying in any regard whatsoever relative to the facts, circumstances, time or place of the offense alleged against Renault himself in an indictment some time previously filed. Further it is stated, in the usual amplitude of legal phraseology, that Renault was asked a question which did not touch upon his own case, and that he refused to answer it on the ground that he would incriminate himself. After repeated requests to answer he refused and the question was still unanswered.

Seventeen grand jurors, presumably all then serving on the panel, signed the information, namely:

Joshua D. Tucker, foreman, J. A. Lyle, E. R. Biven, J. J. Egan, A. S. Robertson, F. Turill, H. Cook, A. A. Dunn, F. L. Dorth, John Coffin, D. H. Davis, H. R. Macfarlane Jr., A. Trask, E. O. K. East, Kahualuani, John Andrews, R. H. Worrall, Wm. Dunbar.

Accompanied by E. C. Peters, Deputy Attorney General, the grand jurors surprised Judge Robinson in the morning while he was hearing the dredging mandamus case, by marching into court. Mr. Peters presented their report on the matter. John W. Cathcart, acting as Government counsel in the mandamus case, happened to be Renault's counsel when he was arraigned on indictment, therefore now stood for him in the contempt proceedings. After some talk the citation was issued and made returnable at 4 p. m. the same day. Renault had been brought into court, in the first instance, under custody of an officer.

THE HEARING.

Mr. Cathcart, when Mr. Peters had read the information at the appointed hour—the grand jurors being present in a body and Renault under arrest there also—said he had not had time to prepare an answer. It was a serious matter for the respondent, while, according to the petition, it was only a minor matter—some kind of a leak in the grand jury—wherein the witness had refused to answer.

Judge Robinson, in the course of remarks, reminded counsel that contempt proceedings were always summary. He denied the motion for continuance and Mr. Cathcart noted exceptions.

fering with or changing the said ballot so illegally cast as aforesaid, but before said injunction was served the said election officers had mutilated, defaced and changed said ballots, and this injunction proceedings were also unavailing to prevent the wrong and outrages hereinbefore set forth.

Wherefore, the contestor shows that at the said election and by the means and methods aforesaid, Jonah K. Kalaianaoale was not duly elected as Delegate from the Territory of Hawaii to the 58th Congress of the House of Representatives of the United States of America, and that the said election held as aforesaid was illegal and void and therefore the return declaring and returning the said Jonah K. Kalaianaoale as duly elected to said office is false.

Contestor, therefore, prays that the said House of Representatives after hearing the proofs of the aforesaid allegations and charges may order, adjudge and decree the said election and return of said Jonah K. Kalaianaoale to be illegal and void, and that contestor be declared to have been duly elected to said office or that said seat be declared vacant.

Attest: CURTIS P. LAUKEA, Contestor.

A. A. GALBRAITH, E. M. WATSON, Attorneys for Contestor.

Territory of Hawaii, Honolulu.

That being exhausted all other means at his command to prevent the perpetration of the frauds complained of, contestor in the afternoon of said election day presented his bill for a writ of habeas corpus to the Honorable Supreme Court of the Territory of Hawaii, and obtained an order against the election officers of the 10th precinct of the 4th district restraining them and each of them from defacing, destroying or otherwise interfering with or changing the said ballot so illegally cast as aforesaid, but before said injunction was served the said election officers had mutilated, defaced and changed said ballots, and this injunction proceedings were also unavailing to prevent the wrong and outrages hereinbefore set forth.

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Mr. Cathcart then moved to quash the citation, in his argument showing what he deemed to be defects. The question put to witness was not set forth, nor was the petition verified. He indicated the absence of a statute making the revealing of Grand Jury secrets a punishable offense.

To this the court replied that at common law one who divulged Grand Jury secrets was held as accessory after the fact to the crime under investigation. Mr. Peters, after Mr. Cathcart had argued at some length, replied. His first contention was that opposite counsel had mislabeled the information a petition. It was simply a preliminary report by the Grand Jury. He ridiculed the idea that a report signed by seventeen Grand Jurors should require verification any more than an indictment that only the foreman signed. As to specifying the contempt more particularly than was done, that would only be necessary if the witness had pleaded a constitutional reason for refusing to answer. It was a privilege of the Grand Jury, in this case, to find out if there was a conspiracy outside—to ascertain if a member of the Grand Jury was divulging its secrets to an outsider.

Judge Robinson, after considerable sparring of counsel, denied the motion to quash.

Mr. Cathcart, having noted an exception to the court's ruling, said he hardly knew what to do, not having had time to answer. The court told him the respondent might answer orally, denying the truth of the information.

"May I ask," Mr. Cathcart then inquired, "what the order of the court would be if the respondent did not answer?"

"The respondent can be committed to the custody of the High Sheriff until he answers the question," was the court's reply.

Mr. Cathcart asked what question, and Mr. Peters said any question the Grand Jury might ask.

Judge Robinson, no other motion being made, forthwith committed Leon Renault to the custody of the High Sheriff until he purged himself of contempt of court by answering whatever question might be put to him by the Grand Jury.

Mr. Cathcart asked what the bail should be. Mr. Peters said the offense was not bailable, but the court doubted this and Mr. Cathcart quoted a statute to the contrary. "All we have to do is file a notice of appeal," respondent's counsel said.

"I don't know if that will stay execution," the court observed.

"I cannot see why not," Mr. Cathcart ventured.

"Well, in order to have the matter adjudicated," Judge Robinson concluded, "the court will decline to admit the respondent to bail or to fix the amount of bail." Mr. Cathcart again took an exception.

The court then rose and Mr. Cathcart, after exerting himself to find some way of averting the event, was constrained to inform his client that there was nothing for him but to go to jail over night.

Probably a writ of habeas corpus will be invoked this morning to bring the matter speedily before the Supreme Court.

With only today and tomorrow left for the present Grand Jury it appears a slim prospect for completing the investigation that has struck a snag. Yet, as Renault's offense is contempt of court, unless he obtains release under habeas corpus or on appeal he will be imprisoned indefinitely in default of purging the contempt. His desired evidence may be wanted by the coming Grand Jury.

YESTERDAY'S POLICE GRIST

Three arrests were made yesterday on the charge of selling liquor without a license. One man was at Palama and the other two were running a drinking club out at Waikiki back of the Catholic church. These with the four postponed from Wednesday, should reap a good harvest.

Eight Japanese were caught gambling at Pawa and three other Japanese, one a woman, were caught with che fa tickets in their possession. They were at Kinau street. Young Lut is arrested upon the charge of selling poisonous drugs. He runs an opium joint and half a dozen pipes and some opium were taken as evidence. The two other arrests were of a disobedient girl and a drunken Japanese.

ARTHUR HARRIS IS ARRESTED

The San Francisco Bulletin of December 18 says: Arthur C. Harris, a recent arrival from Honolulu, is detained at the City Prison on a charge of obtaining money under false pretenses. Harris was arrested on a warrant sworn out by J. T. Littlefield, an employee of the W. P. Fuller Company. He claims that Harris represented himself as a member of the firm known as the Honolulu Lumber Company and succeeded in securing an advance of \$500 from J. O. T. Littlefield found on investigation that Harris was not identified with the Honolulu firm at all, and he was sworn to a complaint against him.

EVERYBODY USES CHAMBERLAIN'S COUGH REMEDY.

"Mothers buy it for croupy children, physicians buy it for severe coughs and every people buy it for its grippe," say Moore Bros., Elton, Iowa, U. S. A. "We sell more of Chamberlain's Cough Remedy than any other kind. It seems to have taken the lead over several other good brands." For sale by All Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

LOCAL BREVITIES.

(From Wednesday's Advertiser.)
Ewa stock still remains at \$23.

The Christmas tree exercises of the Sunday school of St. Clement's Church will be held next Saturday afternoon at 2 o'clock at the parish house.

Mrs. Thomas Dunn, wife of Mr. Dunn of the naval station, departed for San Francisco yesterday to visit for three months with relatives of her husband.

J. R. Meyers, formerly manager of the Maui Sugar Company, and wife departed yesterday on the Sierra for the coast. They will visit in San Francisco and Portland.

Oahu Sugar Company shares sold yesterday at \$110, an advance of \$5 over Saturday's quotations. At that time Halstead & Co. sold fifty shares, and disposed of fifty yesterday at the advanced figure.

"Diamond Head" Charlie expresses his thanks to the merchants of Honolulu, who so generously contributed to a large purse presented to him on Christmas day. Colonel J. H. Soper was instrumental in getting Charlie's annual present together.

J. F. Morgan and W. H. Hoogs departed on the Sierra for the coast, presumably on some matters connected with McBryde bonds. F. B. McStocker has taken charge of Morgan's business during his absence.

Dr. J. T. McDonald wishes to express his grateful appreciation and thanks for an elegant silver candelabrum sent to his house with the usual holiday greetings but with the card, or any clue to the name of the donor, omitted.

The board of directors of the Y. M. C. A. have issued invitations to their annual New Year's reception, January 2, from 12 to 2. The reception will be held in the parlors of the Association building. Lunch will be served in the hall by the lady friends of the Association.

Ten Japanese laborers and four white men are reported to have engaged in a fight at Lahala on Christmas day. A Japanese was taking photographs and a white man is reported to have smashed his camera. Then a general mix up took place. The camera smasher is said to have been roughly handled.

(From Thursday's Advertiser.)
Open house will be kept by the French cruiser Protet next Sunday.

To Mr. and Mrs. Arthur F. Wall a son, December 28.

Norman Greig of Makaweli and Miss Helen Aldrich are engaged.

The Territorial grand jury is preparing its report, which must be presented this week or never.

Judge Dole will hold the coming term of the United States District Court at Hilo without juries.

Lieutenant Commander Retzman of the German navy stayed over from the steamer China for a short rest in Honolulu.

M. F. Prosser of the Attorney General's department is on Kauai prosecuting criminal cases at Judge Hardy's term.

A. G. M. Robertson has written a long letter to Governor Carter opposing membership of office holders in political committees.

It is expected that a draft of bill will be ready for reading at the meeting of the County Act Commission next Tuesday evening.

Admiral Beckley, accompanied by his wife and daughter, departed on the Kinau for Hilo to attend the dedication of the new park there.

A letter of thanks has been forwarded by the Chamber of Commerce to its San Francisco namesake for resolutions passed by the latter recommending to Congress the passage of appropriations for the improvement of Honolulu harbor.

Dr. Day denies the published report that he said he would go with Dr. Uchida to make the examination of Mikala Kaipu, provided the court would order him to do so, also that he had claimed a new method of determining the existence of leprosy in a patient.

Stock transactions are few this week. M. S. Grinbaum says Hana plantation will be reorganized.

The Ventura sails for the Colonies at noon today from the Oceanic wharf. The Board of Education met yesterday afternoon to make new assignments among teachers.

John E. Bush has acquired a lot at Kaimukī, 150x150 feet, on which he intends to build a house.

Mrs. Julia B. Hopkins gave a Christmas luau to forty poor children, with presents for all as a finale.

A Honolulu man saw a pile of papayas for sale in Portland, Ore., recently, labeled "Hawaiian Breadfruit."

The cars on the entire Rapid Transit system will run one hour later than the schedule time on New Year's eve.

Henry B. Wilkins, for some years superintendent of the Lahaina water works, is dead. He was a native of Maui.

Taxpayers will have to go to the tax office for return blanks for the coming assessment, as the staff is too busy to make a distribution as formerly.

I. A. Thurston, whose commission expires at the end of the year, has been reappointed for another year as president of the Board of Agriculture and Forestry.

A new form of tax receipt books will be introduced at the approaching collection period. Stubs initiated by the Auditor will be a new safeguard against fraud.

The Rapid Transit company will pay its usual quarterly dividend of 1 per cent on its common stock and its semi-annual dividend of 2 per cent on its preferred stock on the 21st.

Besides the Chamber of Commerce of San Francisco, the Board of Trade and Merchants' Association of that city have memorialized Congress for Hawaiian harbor improvements.

Humors of the Blood

Cause many troubles,—pimples, boils and other eruptions, besides loss of appetite, that tired feeling, fits of biliousness, indigestion and headache.

The sooner one gets rid of them the better, and the way to get rid of them and to build up the system that has suffered from them is to take

Hood's Sarsaparilla and Pills

Forming in combination the most effective alterative and tonic medicine, as shown by unequalled, radical and permanent cures of

Scrofula Salt Rheum
Psoriasis Boils, Pimples,
All kinds of Humor Rheumatism
Blood Poisoning Dyspepsia
Catarrh Debility, Etc.

Accept no substitute, but be sure to get Hood's and get it today.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Agents, Honolulu, H. I.

LEWERS & COOKE.—(Robert Lewers, F. J. Lowrey, C. M. Cooke)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Manufacturers of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, December 29, 1934.

Honolulu, December 25, 1904.					
NAME OF STOCK	Capital.	Vol.	High.	Low.	Ask.
MERCANTILE.					
C. Brewer & Co.	\$1,000,000	100	220		
SUGAR.					
Sw.	5,000,000	20		27 1/2	
Haw. Agricultural	1,000,000	100		100	
Haw. Com. & Sugar Co.	2,125,000	100		7 1/2	
Hawaiian Sugar Co.	2,000,000	20	81	82 1/2	
Honolulu	2,000,000	100	108 1/2		
Hoku	500,000	100		140	
Kahuku	100,000	20	24 1/2	25 1/2	
Kilauea Plant. Co., Ltd.	2,000,000	100		100	
Kipahulu	100,000	100		100	
Koloa	500,000	100		100	
McBryde Sugar Co., Ltd.	1,000,000	20		110	
Oahu Sugar Co.	1,000,000	20		7 1/2	
Onomae	1,000,000	20		7 1/2	
Oloa	500,000	20		7 1/2	
Oloa Sugar Co., Ltd.	1,000,000	20		7 1/2	
Oloana	500,000	20		7 1/2	
Panama Sugar Plant Co.	5,000,000	50			
Panama	500,000	100		25 1/2	
Pineapple	750,000	100		140	
Pioneer	750,000	100		130	
Pioneer	2,750,000	100		13 1/2	
Waialua Agri. Co	4,500,000	100		67	
Waikuku	700,000	100		200	
Waialuana	350,000	100		180	
SYNTHETIC COG.					
Wildcat S. S. Co.	500,000	100		110	
Imperial S. S. Co.	500,000	100		110	
MISCELLANEOUS.					
Hew. Electric Co.	500,000	100	102 1/2		
H. E. & L. Co., Ltd.	1,000,000	100	67 1/2		
H. E. & L. Co. C.	1,000,000	100	67 1/2		
Mutual Tel. Co.	150,000	100		10	
O. E. & L. Co.	4,000,000	100			
Silo R. C. Co.	1,000,000	100			
BONDS.					
Haw. Terr. 4 p. c. (Fire Claims)				98	
Haw. Terr. 4 1/2 p. c. — Haw. Govt. B.				100	
Haw. Comm. Sugar Co. 5 p. c.				100	
Sw. Plant, 5 p. c.				100	
Haiku 5 p. c.				101	
Oahu Sugar Co., 5 p. c.				101	
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WHAT HONOLULU WANTS OF THE GOVERNMENT

The following letters from various local commercial bodies make up an appendix to the report of Governor Carter to the Secretary of the Interior at Washington. The letters are addressed to the Governor, and by him were sent to Washington to be included in the state document:

LETTER FROM HONOLULU CHAMBER OF COMMERCE.

HONOLULU, HAWAII, August 12, 1904.

Sir: Allow us to append to our letter of even date the following statement of matters which we desire to bring to your attention, but which we think can be accomplished without asking direct appropriation from Congress:

1. The first of these concerns the surveys for the necessary dredging work in Honolulu and Pearl Harbor. We believe that strong representations from you to the Secretary of War will result in having suitable reports immediately prepared.

2. Until such time as the Island of Oahu shall be adequately provided with fortifications we urge upon you the necessity for having stationed here continuously some coast-defense vessel of the Navy. It is our hope that a request from the governor to the Secretary of the Navy may result in the stationing here of some such vessel in our waters.

3. For our fellow-citizens now segregated as lepers in the settlement of Molokai we ask that a surgeon of the United States Marine Hospital Corps may be stationed at Kalaupapa for the purpose of scientifically studying the disease of leprosy in the hope of ultimately finding a cure.

4. It is not too soon to prepare Honolulu for the opening of the Panama Canal. The tropical diseases rampant at the Isthmus are unknown in Hawaii, and our experience with oriental diseases is that they find a ready culture under our equable climatic conditions. We believe that extensive public works may have to be constructed before Honolulu can be considered disease proof; that to have Honolulu a clean port concerns the entire Pacific coast of the United States, and that being a national matter, the Territory should have assistance by the Federal Government. In order that this problem may be approached satisfactorily we ask you to represent the situation to the President with the request that he direct the Surgeon-General of the Marine Hospital Service to detach a surgeon, and the Secretary of War to direct that an engineer of the United States Army be ordered to act with this surgeon, the two of them to compose a commission to study the problem on the ground and to report not only the necessity for the work, but plans and specifications for it. We transmit herewith a letter for this purpose.

5. We understand that there are two irrigation surveys now authorized by law, one being under the Department of Agriculture and the other under the Geological Survey, and that this work may be extended over Hawaii. Much of the wealth of these islands is due to irrigation, and the possibilities of further agricultural development depend, in large measure, on the extension of irrigation. We ask you, therefore, to use your influence with the authorities in Washington to see if one or both of these surveys can not be extended to Hawaii.

6. We ask you also to use your best efforts to secure the making of a soil survey of these islands by the Department of Agriculture. It is our understanding that this work can be done under existing laws if the Secretary of Agriculture sees fit to authorize it.

While we are on this subject of federal expenditures in the Territory we desire to call again to the attention of the Federal Government the desirability of perfecting the plans already made for an army post on the highlands of Waianae-uka, on the island of Oahu, which land has already been set apart as a military reservation. It was submitted that if a halfway station between San Francisco and Manila be maintained there fore the acclimatization of our troops in the Tropics they would be ready for more efficient service upon reaching the Philippines.

This tract of land lies directly back of Pearl Harbor, and has an elevation of about 800 feet. An abundance of pure water, good drainage, trade winds, cool nights, ample room for rifle and cannon practice and for maneuvers leave little more to be desired for the above purpose.

In these various matters we stand ready to lend you all the assistance in our power.

All of which is respectfully submitted.

THE CHAMBER OF COMMERCE OF HONOLULU,

By JAMES A. KENNEDY,

F. J. LOWREY,

Committee on Legislation and Public Improvement.

Hon. G. R. CARTER,

Governor of Hawaii, Honolulu.

LETTER FROM THE MERCHANTS' ASSOCIATION OF HONOLULU.

HONOLULU, HAWAII, August 19, 1904.

Sir: The Merchants' Association of Honolulu, in reply to the letters received from Acting Governor A. L. C. Atkinson under dates of July 5 and 28, beg to state:

The wholesale and retail business in its various branches has faced a serious depression in trade during the past two years.

There are several causes to which we can look upon as having brought about the present discouraging state of the mercantile community, among which we would call special attention to—

(1) The loss of customs revenue amounting to about \$5,000,000 during the past four years since annexation;

(2) The forced Territorial expenditure for dredging Honolulu Harbor and upon light-houses and their maintenance;

(3) The inconsistent showing made by a comparison of receipts and returns by the Federal Government as put forth in the following data:

The United States Government collects annually per capita from Hawaii \$8.52.

The United States Government returns directly per capita annually to Hawaii \$1.02.

The United States Government expends annually per capita for its mainland population \$7.97.

(4) Decrease in population, especially among our most valuable workers, the Portuguese, a large number of the latter having

been compelled to seek work in other countries on account of the Territorial government being unable to continue necessary work on public buildings, roads, and bridges, owing to shortage of funds.

To bring business back to its former flourishing conditions, and in view of the large amount of profit gained by the Federal Treasury directly from Hawaii, we would urge strong representations be made to Congress with a view of having a fair proportion of the Federal receipts from Hawaii expended for necessary improvements in this Territory.

We submit our most urgent necessities and reasonable requests to be—

(7) Continued dredging and enlargement of Honolulu Harbor to the end of our being able to dock with safety the largest merchant or naval vessels;

(2) A large Federal building which will accommodate the departments of customs, post-office, justice, and administration, and thus do away with the great inconvenience both to the Federal officers and the public by reason of the present scattered locations of the different departments;

(3) Naval station at Pearl Harbor, the opening of which would bring these waters into practical use and make possible the direct shipment of about 100,000 tons of produce per annum.

(4) Fortifications and army post.—It is our understanding that these two items are already assured, but we would suggest that efforts be made which will result in the early commencement of this work.

(5) Breakwater at Hilo, the only possible harbor on the island of Hawaii.

The work necessitated by the above-suggested improvements would bring to our midst a most desirable class of mechanics, artisans, and laborers, on whom the mercantile interests depend for the life of trade.

(6) Transport and naval supplies.—We particularly request that your influence be exerted on the Navy and War Departments in order that Honolulu merchants be given an opportunity to furnish supplies for the transports and war vessels instead of the departments shipping goods to Honolulu to meet vessels expected to arrive here, notwithstanding the fact that our local keen competition would in most cases result in a saving to the Department.

(7) We would respectfully suggest that the Territorial government make up an account against the Federal Government for each and every item expended for light-houses and buoys from June 14, 1900, to the date upon which this service was taken over by the Federal Government, attach vouchers thereto, and have their correctness certified to by the proper local Federal officer, and the same be forwarded to the Department at Washington. This amount will be found to be \$43,421.76. We would further recommend that the same action be taken with the Territorial expenditure on dredging Honolulu Harbor only from June 14, 1900, to the date of the last expenditure, which items will be found to approximate \$132,000, or the aggregate of both dredging the harbor and light-houses and buoys approximately \$175,420.

We consider the granting of the above-enumerated requests as absolutely necessary to restore and put into circulation at least a part of the large revenue received by the Federal Government from this Territory. Such a condition as now exists can not last long without more serious depression than we are now suffering.

Thanking you for the opportunity of making these representations, we beg to remain,

Very respectfully,

GEO. W. SMITH,

President Merchants' Association.

Hon. GEO. R. CARTER,

Governor Territory of Hawaii.

LETTER FROM THE HILO BOARD OF TRADE.

HILO, HAWAII, August 4, 1904.

Sir: In compliance with your request under date July 28, 1904, we beg to make the following suggestions:

(1) That Congress acquire that land belonging to the Territory of Hawaii, situate in Hilo and bounded on the north by the Wailuku River, south by Waianuenu street, east by Bridge street, and on the west by Pitman street, and erect thereon a suitable building including vaults for the use and occupation of the United States post-office, United States land office, United States courts, United States custom-house, surveyor of the port, United States internal-revenue office, and other Federal offices. That Congress appropriate the sum of \$15,000 for defraying cost of said building.

(2) That Congress appropriate the sum of \$100,000 to enable the Secretary of War to make a survey and estimate for the construction of a breakwater from the ocean along Blond Reef to Coconut Island.

(3) That an amount of \$10,000 be appropriated for the establishing of a United States marine-hospital service in connection with the Hilo hospital.

(4) That an amount of \$10,000 be appropriated for the erection of a light-house at Leleiwi Point.

There are many and various reasons why we should have the above mentioned appropriations, a few of which we mention briefly as follows:

The Island of Hawaii is the largest and richest of the whole group. It has a greater area than all the other islands put together. It has an area of 4,200 square miles as against the combined area of all the other islands of 2,330 square miles. It has a population of 46,843 or 34 per cent. of the whole group. During the year 1903 it produced 170,665 tons sugar as against 437,991 tons for the whole group; approximately 39 per cent. of the whole.

The value of real and personal property as taken from the tax assessor's books is \$27,559,038, an increase of \$1,793,369 over that of the year 1902.

Money-order business at the Hilo post-office in 1901:

Orders issued	8,570
Amounting to	\$ 288,116.13
Orders paid out	2,420
Amounting to	\$45,114.65

For the first eleven months of 1902:

Orders issued	0,862
Amounting to	\$292,511.25
Orders paid out	2,648
Amounting to	\$48,523.40

Showing an increase for the past eleven months over the previous year of 1,520 orders handled, amounting to \$7,804.07.

We have been unable to obtain any figures from the postmaster on this subject at the present time.

The present wooden barn used for a post-office is not only inadequate but is unsafe; so much so that when any large amount of cash is on hand the postmaster feels it necessary to keep a man on the premises all night.

Our collector of the port has no place to transact his business other than his private office.

Our Federal judge is allowed only by the courtesy of the circuit judge to hold his court in the circuit-court room, there being no other place available.

The internal revenue officers transact their business in their

bedrooms at the hotels; the surveyor of the port has his office in a small shed.

The United States commissioner and other Federal officers are compelled to transact their business in private offices.

The land suggested herein for a Federal Building site is owned by the Territorial government and is under lease to various tenants whose terms expire within twelve months from date. For this the government would not be put to any expense. The site is admirably adapted for the purpose.

Hilo is the largest town on this island and is second in importance to Honolulu, and nearly the whole of the products of this island pass through Hilo to the market.

Assessed value of real estate and personal property.

For the district of Hilo in 1897 amounted to\$ 5,460,630

For the district of Hilo in 1903 amounted to 11,210,328

Showing an increase in six years of 5,749,690

On the entire Island of Hawaii the assessed value of real

and personal property in 1897 was 13,504,830

The assessed value of real and personal property in 1903

was 27,559,038

Showing an increase for six years of 14,054,207

Total number of vessels entered during—

1897 37

1903 74

Total value of exports for the year ending June 30, 1904 \$3,993,871

Total value of imports for the same period was 1,452,535

The harbor at Hilo is practically an open roadstead with ample depth of water for vessels of the largest draft. Vessels lying at anchor in the harbor are liable at any moment to be caught in a northeast gale, and are in consequence in great danger of being cast on the reef or ashore, as there is no protection. Vessels are sometimes unable to discharge any of their cargo for ten to twelve days at a time during a northeast swell. The bay is the most commodious natural harbor in the Hawaiian Islands, it having an area of over 1,500 acres, and an available wharfage frontage of 1 1-2 miles. The entrance to this harbor is 1 mile wide, with a depth of water from 8 to 9 fathoms (as a reference to the chart will show), thus enabling vessels to enter with perfect safety either night or day.

The Hilo Railroad Company has constructed a wharf 100 feet by 800 feet long, at a cost of \$100,000. Deep-sea vessels do not use this except in the calmest weather, on account of the heavy swell and undertow, and as a consequence nearly every ton of freight is either loaded or discharged by means of lighters or scows between ship and shore. This can be obviated only by a breakwater.

We understand that a site for a quarantine station in Hilo has been selected by Doctor Cofer, the Federal quarantine officer, and that a complete equipment, valued at \$10,000, is now in Honolulu awaiting the authorization for a proper building. The importance of immediate action in this matter is obvious.

A second-class light is needed at East Point. All vessels coming from the mainland come in from the direction of that point.

In view of the foregoing, therefore, we earnestly recommend the favorable consideration by Congress in connection with the suggestions enumerated.

Respectfully submitted.

THE HILO BOARD OF TRADE.

By E. N. HOLMES, President.

By A. VICARS, Secretary.

A. L. C. ATKINSON, ESQ.,

Acting Governor Territory of Hawaii, Honolulu.

LETTER FROM WAILUKU IMPROVEMENT ASSOCIATION.

WAILUKU, MAUI, August 13, 1904.

Sir: In reply to your wireless communication of July 28, 1904, to Mr. A. N. Kepoikai, which read as follows: "What recommendations from Wailuku Improvement Association for Federal improvements for Maui," the undersigned, a committee duly appointed for that purpose in open session of the Improvement Association of Wailuku District, do hereby most respectfully make the following recommendations:

First. A Federal building to be erected in Wailuku on a suitable site hereafter to be selected, the same to be large and commodious enough to provide quarters for the following branches of the United States Government: Post-office, chambers and court room for United States district attorney, clerk of the Federal court, United States marshal, internal-revenue officers, United States commissioner, and such other branches of the Federal Government as the Department may see fit to provide.

For the erection of a building suitable for the above purposes we would recommend the expenditure of \$75,000.

Second. We would further recommend a complete and minute geodetic survey of the islands of Maui, Molokai, Lanai, and Kahoolawe, and the proper charting thereof.

Third. We would further recommend the erection of proper and suitable lights at the following points, to wit: Molokai Point, Kamalo, Honokohau, Kahului, Huelo, Nahiku, Hana, Kipahulu, Makena, Maalaea Bay, Lahaina, Kaanapali, Maunaloa, Lanai, Molokini, north of Kahoolawe, and south of Kahoolawe. Regarding Lahaina light we would recommend that the same be reconstructed in such a manner as to be infallibly distinguished from all other lights in that vicinity.

Fourth. We would recommend the construction of a breakwater at Kahului to extend from the shore to a point now commonly known as the American Girl Rock, or a distance of 2,600 feet. The construction of such a breakwater would afford perfectly safe anchorage for numerous vessels, and will besides make possible the construction of permanent and commodious wharves, an undertaking which has so far been rendered impossible by the absence of a breakwater. Exhaustive surveys have been made at the instance of the Kahului Railroad Company, which prove beyond a doubt that the construction of a breakwater is not alone highly feasible, but that the same can be undertaken and carried on to a successful finish for a sum not exceeding \$250,000. We would therefore recommend the appropriation of the above-named amount for a breakwater at Kahului.

In support of the above recommendation we would respectfully set forth the fact that the value of the exports and imports of Kahului alone amounts to some \$6,000,000 per annum. In addition the value of ships, owing partly to their large tonnage, and to the fact that at the time of their arrival they already contain large and valuable cargoes, must be from three to four times the value of the Kahului business.

Respectfully submitted.

R. W. FILLER, Chairman.

C. D. LUFKIN,

W. F. CROCKETT,

HUGH M. COKE,

W. G. SCOTT,

A. N. KEPOIKAI.

Hon. A. L. C. ATKINSON,

Acting Governor, Honolulu, Hawaii.



ARRIVED.

Tuesday, Dec. 27.
O. S. S. Sierra, Houdlette, from the Colonies, 8 a. m.

Am. bark Santiago, Anderson, 20 days from San Francisco, 8 a. m.

Am. bkt. Irmgard, Schmidt, 18 days from San Francisco, off port, 6 p. m.

Wednesday, Dec. 28.

Stmr. Mikahala, Gregory, from Kauai ports, 4:15 a. m.

Am. bkt. Irmgard, Schmidt, from San Francisco, 11:15 a. m.

Thursday, December 29.

Am. bark Gerard C. Tobey, Scott, 17 days from San Francisco, 8:30 a. m.

Am. schr. Alice Cooke, Penhallow, 37 days from Port Gamble, 7:30 a. m.

Stmr. Kauai, Pederson, from Elele, 8:30 a. m.

Stmr. Likelike, Naopala, from Maui and Molokai ports, a. m.

U. S. revenue cutter Bear, Hamlet, 12 days from San Francisco, 9:20 a. m.

S. S. Ventura, Hayward, from San Francisco, 8 p. m.

DEPARTED.

Stmr. Kauai, Pederson, for Elele, 4 p. m.

Stmr. Mikahala, Gregory, for Kauai ports, 5 p. m.

Stmr. Likelike, Naopala, for Maui and Molokai ports, 5:15 p. m.

DUE TODAY.

Stmr. W. G. Hall, Thompson, from Kauai ports, a. m.

PASSENGERS.

Arrived.

Per stmr. Mikahala, Dec. 28, from Kauai ports—W. Fisher, J. Bryant and wife, Rev. J. Lydgate, Mrs. M. Lydgate, Miss K. Mahlum, Mr. Hamamoto, Miss B. Hiscok, N. Sekemoto, L. Weinscheimer, F. Haenisch, Miss Abbott and 53 deck.

Departed.

Per stmr. Kinau, Dec. 28, for Hilo and way ports—Mrs. Milton Rice, Mrs. Bond, Mrs. F. T. P. Waterhouse and 2 children, J. F. Visser, G. K. Kumukau, Master George Brash, A. Hanburg, A. Korig, Miss L. Notley, S. Pecer, J. A. Templeton, Mrs. George L. Desha, A. H. Hankerson, Miss W. Sharp, Mrs. L. L. La Pierre, Mrs. Carrera, George C. Beckley and wife, Mrs. Juanita Beckley, John F. Tosh, R. G. Henderson, H. Gunnle, C. A. MacDonald, W. Berlowitz, Rev. W. H. Lee, Ng Aom, Ng Lal, W. J. Moody and wife, Abe Louison, Miss Clara Low, Miss L. Howard, Miss De Mello, Mrs. Mary Allau.

Per stmr. Claudine, Dec. 28, for Maui ports—C. B. Wells, wife and daughter, Miss Sheffield, Miss Reid, Dr. Spanola, Rev. J. E. Kekipi, David Morton, Edgar Morton, Ben Morton, Mrs. K. Aea and 4 children, W. C. Crook, Lau Wal, Chang Kim, W. Schultze, J. W. Springing, J. T. Taylor.

Per bkt. Irmgard, December 28, from San Francisco—Miss Mills.

Per stmr. Likelike, December 29, from Molokai ports—Brother Sylvester, Frank Wight, Lawrence Judd, Rev. D. W. K. White.

Per S. S. Ventura, December 29, from San Francisco for Honolulu—Mr. and Mrs. L. M. Bronn, Miss G. Bronn and maid, Mr. and Mrs. A. S. Burnston, Miss G. H. Clark, John Crow, Silas Giddings, E. Hadley, Rev. A. C. Jeffries, J. Cabaran, John Lawrence, L. Okada, H. J. Doman, E. E. Hartman, Mrs. J. M. Lydgate, Miss M. J. McCann, Miss H. E. McCracken, J. Murphy, S. D. Neubill, H. Park, M. A. Silva, A. B. Penfuit, J. H. Gorman, Mr. and Mrs. J. W. Thompson, Mrs. E. W. Thwing and daughter, Mr. and Mrs. James Sutter.

Through passengers—Conn. E. R. T. Moore, Mrs. C. E. T. Moore, Mrs. H. C. Johns, J. W. Jenett, H. Barnes, Dr. L. E. Barnhart, Mr. and Mrs. T. Jackson and child, W. H. Fowler, J. W. Gale, Mr. and Mrs. J. C. Mackay, Miss E. W. Mckay, Mr. and Mrs. H. J. M. Rogers, Dr. J. E. Rogers, H. H. Shale, Dr. and Mrs. H. T. Thacker, Miss A. Thacker, E. F. Wright, Miss M. Abbott, Mrs. A. L. Folger, Mrs. Robert Hill, Mr. and Mrs. A. Kosinsky, Miss Elsie Kosinsky, Mr. and Mrs. J. Albert, Miss Ethel G. Bode, Mr. and Mrs. A. F. Maguire, G. H. Bosch, Nelson, Rev. M. Campbell, Dr. W. E. Reid, C. A. Davis, Mr. and Mrs. H. S. Rosenthal, Mr. and Mrs. Fred Starbuck, Mr. and Mrs. Shumai Miyao, Mr. and Mrs. H. Fisher, A. E. Watson, F. F. B. Whitcomb, A. G. Wilson, Mrs. A. Goutier, Mrs. A. T. Willis, W. B. Stephens, W. Troner, Charles Crabb, Mrs. A. Grove, Miss G. Grove, P. T. Harris, E. McPherson, M. Vokovich, W. Stanley, Rev. and Mrs. M. W. Watt and child, M. H. Gabel, J. Kronk, F. Miller, Mrs. S. Johnson, Miss F. Crabtree, P. Griffin, P. T. Troner, Mr. and Mrs. A. H. Dixon, J. N. Monnie.

Departed.

Per stmr. Mikahala, December 29, for Kauai ports—Miss Finkler, Miss L. Thronos, Miss Anderson, W. Fisher, C. Winchelm, Miss K. Christian, Miss May Amberson, Miss George White and infant, Mrs. J. E. Bortfeld and two children, D. B. Macconachie, Judge Hatch, Miss Sanford, Mrs. A. Waul, W. A. Kinney, Judge Humphreys, Geo. Wan Hoy, Lee Kong, Au Bing Dong, D. L. Austin.

Per stmr. Likelike, December 29, for Maui and Molokai ports—John Jones, Miss V. Jones, Miss Lucy Fountain, D. H. Case, W. L. Emory, Mrs. William Meyer, C. B. Reynolds, Judge C. A. Galbraith.

THE OLD RELIABLE
ROYAL
SEA SHORE
BAKING POWDER
Absolutely Pure
THERE IS NO SUBSTITUTE

CHANGES IN THE TEACHING FORCE

December 29, 1904.

Present: Commissioners Jordan, Von Holt and Pratt and Superintendent Atkinson.

The following appointments and changes were made in the teaching force:

ISLAND OF OAHU.

Miss Teura Henry, transferred from the Royal to Kaahumanu.

Miss Edith Nichols, transferred from Kaahumanu to Royal.

Miss Ivy J. Girvin, transferred from Kaahumanu to the Grammar Department, High School.

Miss Agnes E. Judd, appointed an assistant in Kaahumanu.

Miss Jane L. Winne, transferred from the Royal to the Grammar Department, High School.

Miss Annie Goo Kim, transferred from the Royal school to Kawaiahae.

Miss Mollie Grace, transferred from Moanalua to the Royal.

Miss Clara Mokuia, appointed teacher at Moanalua, taking the place of Miss Mollie Grace, transferred.

Mrs. S. Caroline Rhodes, appointed teacher at Hauula, taking the place of A. W. Crockett, resigned.

Miss Myra Angus of the Kauluwela School, advanced in place of Mrs. Weir, resigned.

Miss Freda Koelling, appointed assistant in the Kauluwela School.

ISLAND OF KAUAI.

Mrs. L. A. Miller to be assistant in the Kalaheo School, to take the place of Miss Ada Bush, resigned.

Miss Emma Spitz, to be assistant in the Lihue School in place of Miss Emma Kaupu, resigned.

Miss Christine Finkler, to be principal of the Kekaha School, to take the place of Miss Mabel Crossman, resigned.

Miss Hannah Sheldon, to be assistant at Kekaha.

ISLAND OF HAWAII.

Miss Amy P. Hill, late assistant in the Kawaihi School, to be assistant in the Haalelo School, taking the place of Mrs. Annie A. Kai, resigned.

Albert Boscow, to be principal of the Kawaihi School, taking the place of Miss Florence Hill, resigned.

Mrs. M. J. Haven, assistant in the Hualaia School, taking the place of Miss Ida Yowell, resigned.

Miss L. Toler, assistant in the Kalaheo School.

Miss Emma Porter, to be assistant in the Kawaihi School, taking the place of Miss Amy P. Hill.

FOUR NOTICES TO THE MARINERS

San Francisco, Dec. 8, 1904.

POINT DUME, CALIFORNIA.

Notice is hereby given that Point Dume whistling buoy, painted red and marked "Pt. Dume" in black, about 1/4 mile S. by E. of E. from Point Dume, southeast of California, which recently went adrift, was replaced in its old position December 6.

SAN PABLO BAY, CALIFORNIA.

Notice is hereby given that a large midchannel bell buoy, San Pablo Bay, California, has been damaged about one and one-half miles northeast of its proper position. It will be replaced as soon as practicable.

San Francisco, Dec. 12.

ESTERO BAY, CALIFORNIA.

Notice is hereby given that Mouse Rock bell buoy, located 20 feet SE. of Mouse Rock Cay, Estero Bay, California, heretofore reported not sounding, was replaced by a perfect buoy December 5. The same date the temporary buoy established July 15 in 20 feet of water about 40 feet ESE. of Mouse Rock was removed.

MONTEREY BAY, CALIFORNIA.

Notice is hereby given that Monterey bell buoy, located about 1/4 mile NE. 1/4 E. of Mussel Point, Monterey Bay, California, heretofore reported not sounding, was replaced by a perfect buoy December 10.

By order of the Light-house Board,
W. P. DAY,
Commander U. S. N.,
Inspector Twelfth Light-house District.

SPRAINED ANKLE, STIFF NECK, LAME SHOULDER.

There are three common ailments for which Chamberlain's Pain Balm is especially valuable. If promptly applied it will save you time, money and suffering when troubled with any one of these ailments. For sale by all Dealers and Druggists. Benson Smith & Co., Ltd., Agents for Hawaii.

MANDAMUS PUT OVER

Tactical Fight In Public Works Case.

Another sudden turn was taken yesterday morning in the mandamus case of Hawaiian Dredging Company against the Superintendent of Public Works. Judge Robinson had overruled the demurrer of respondent and a wrangle ensued on the contention of the plaintiff that the time had elapsed within which respondent might file an answer.

Mr. Wilder's eloquent index finger was pointing the court to the Hawaiian statute as being its guide, rather than the Colorado law Mr. Cathart was pleading, when Mr. Cooper whispered in his confere's ear and a moment of great calm followed. Then Mr. Cooper, with conciliatory smile, announced to the court that the complainant would waive objection to an answer by defendant. This, he explained, was so that the case might be tried on its merits forthwith, thus saving the complainant the necessity of bringing another mandamus suit.

Mr. Cathart now wanted a reasonable time within which to file an answer. His learned opponents thought until next morning should suffice, but he said the drafting and typewriting alone could hardly be done in that time. Judge Robinson spoke hopelessly of chances for the hearing at an early date not brought on before the January term opened on Tuesday, with about four score criminal cases on his calendar. Recently he had been doing the work of two Judges and just now was doing the work of three. He offered to sidetrack another case on Saturday morning at 9:30 for the mandamus hearing. If the answer were, by then forthcoming.

Mr. Wilder, however, said there might be something in the answer which the complainant should want to traverse, and the upshot of it was that the further hearing of the case was set for 1:30 Tuesday afternoon. The new Grand Jury will ere that hour have been sent upon its business, and the trial jurors are not coming in until Wednesday morning.

OLD KONA SUE.

Demurrers have been filed to the amended complaint of William W. Bierce, Ltd., vs. Clinton J. Hutchins, trustee, et al. by Defendants Arthur B. Wood and William and Arthur Waterhouse, executors of the will of Henry Waterhouse. They set forth that the complaint does not show whether or not the judgment sued on has been appealed to the Supreme Court; that while the complaint states the judgment at \$22,000, as the value of the property, the return bond attached to the complaint represents the value of the property as being \$15,000; that it does not appear in the complaint that the case was transferred from the Third Circuit Court to the First Circuit Court with the consent of these demurring defendants, and that the complaint does not show a cause of action against them.

Defendant Hutchins has also filed a demurrer of like tenor to the others. The property whose value is involved is the railway plant of the defunct Kona Sugar Company.

TO SUPREME COURT.

E. J. Lord and J. J. Belser have given notice of appeal to the Supreme Court from the decision of Judge Robinson against them in their injunction suit against John Walker, Superintendent of Public Works Holloway and Auditor Fisher.

Defendants in the ejectment suit of William Kapepe vs. Kuapahi and Kookau have brought a petition for writ of error in the Supreme Court. They assign errors to Judge Hardy, presiding at the July term of the Circuit Court, in rendering judgment, jury being waived in favor of the plaintiff.

THE CRIMINAL TERM.

Immediately after delivering his charge to the grand jury on Tuesday at 10 o'clock, Judge Robinson will call the criminal cases on the January term calendar. The trial jurors for Judge Robinson's court are notified to appear at 10 a. m. Wednesday.

ATTORNEY WAS LATE.

Defendant's motion for a new trial in the replevin suit for two cows of Maleka Hailie vs. Frank Pahlia went by default before Judge Robinson yesterday, on motion of Mr. Ashford for the plaintiff. W. C. Achi, attorney for defendant, failed to appear at the session, hence the shutting out of his client.

SHAW PARTNERSHIP SUIT.

In the equity suit of Seeley I. Shaw vs. Joseph S. Canale for a dissolution of partnership, etc., Judge Robinson appointed Frank E. Thompson as receiver under a bond of \$500, which he has furnished with Cecil Brown as surety. A supplementary order authorizes the receiver to extend credit for not exceeding thirty days to purchasers of goods from S. I. Shaw & Co.

KUMALAE AND JOHNSON.

Judge Robinson granted Johnson Kumalae and Frank Johnson twenty days after December 29 within which to file their bill of exceptions to conviction of gross theft.

COURT NOTES.

Plaintiff in the suit of H. Hackfeld & Co., Ltd., vs. Lee Chit Sam and Lee Wai See moves that the demurrer of defendants be stricken from the file and default be entered against defendants.

OVERLOOKS COMMITTEE

Chairman Robertson Whole Thing In Correspondence.

So far as the Republican Territorial Executive Committee is concerned, that body has no official knowledge that it has been in correspondence with Governor Carter relative to the presence of office-holders in positions of party control. And thereby hangs a state of facts that is likely to have results not comfortable for the faction of the malcontents, and perhaps especially for Mr. Alex. Robertson, chairman of the Executive Committee. For the whole town knows that Governor Carter has been in correspondence with the committee. The correspondence, in fact, has been in a measure carried on through the newspapers. And yet, other than as component parts of the great public, the members of the committee do not know anything whatever about it.

The correspondence has not been shown to the committeemen, as committee. They have had no meeting to consider any letter from the Governor, nor have they been called together to frame any reply to be sent to any letter from the Governor. In fact, the Governor's letter was addressed to Mr. Robertson as chairman of the Territorial Committee, Mr. Robertson gave the letter to the newspapers, the Governor refusing to give it out without the consent of the gentleman to whom it was addressed. To that letter, addressed to him as chairman of the committee, Mr. Robertson replied, signing himself, according to the published copies, as Chairman of the Committee, and that letter was likewise published.

All this without a meeting of the committee, and without official notification to the members of the committee that such a correspondence was proceeding. Upon all of which counts there is muttering among the committeemen in derogation of the course which the chairman has seen fit to pursue.

"Why," said an aggrieved member of the Central Committee yesterday, "it is not even treating us with common courtesy. Alex. Robertson is not the whole thing. Here is a party matter in which all Republicans are interested. There is an honest difference of opinion upon it among the members of the committee themselves. The Governor of the Territory writes his views upon it, addressing the letter to the chairman of the committee—and the first and only knowledge the members of the committee have of it comes with its publication in the newspapers. And then, to add to the indignity, Mr. Robertson takes it upon himself to reply to that letter, as chairman of the committee, still without consulting the committee.

"It is time, it strikes me, that the men selected to control the affairs of the party should have some say. I am very sure that the Republicans of Hawaii do not want to see themselves held in the hand of one man. Mind, I would not have objected to the publication of the correspondence. That is not the point at all. But we should have been given a voice in the tone of the letter addressed to the Governor."

SELF CURE NO FICTION!

MARVEL UPON MARVEL! NO SUFFERING NEEDED NOR DESPAIR, but without running a doctor's bill or falling into the deep ditch of quackery, may safely speedily and economically cure himself without the knowledge of a second party. By the introduction of the New French Remedy, THERAPION, a complete revolution has been wrought in this department of medical science, whilst thousands who for years previously had been merely dragging out a miserable existence.

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THERAPION No. 2, for impurity of the blood, scurvy, pimples, spots, blotches, pains and swellings of the joints, gout, rheumatism, quackery, syphilis, etc. This preparation purifies the whole system through the blood, and thoroughly eliminates all poisonous matter from the body.

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The Mails

Mails are due from the following points as follows:

San Francisco—Per Mongolla, Jan. 4.
Colonie—Per Miowera, Jan. 11.
Victoria—Per Aorangi, Jan. 14.
Yokohama—Per Doris, Jan. 8.

Mails will depart as follows:

Colonie—Per Ventura, Dec. 31.
Victoria—Per Miowera, Jan. 11.
Yokohama—Per Mongolla, Jan. 4.
San Francisco—Per Doris, Jan. 8.

Plaintiff in the case of Tung Yan vs. Lillibuck enters a rejoinder on demurrer.

Defendant in the covenant suit of Yim Searok vs. Victoria S. Ruffanau has filed a motion to quash summons for not having been issued in time to require defendant to appear at the January term.

Tom See petitions for letters of administration to P. E. R. Strauch on the estate of her late husband, A. K. O. alias Goin Ko, which is valued at \$150.

Shipping Notes.

The Patterson is now docked at the Naval wharf.

The French cruiser Protet will keep open house on New Year's day.

The Kinau, although sailing a day late, will arrive from Hilo and way ports on Saturday morning.

Next Monday being a holiday, freight will be received at the Inter-Island wharf on Saturday for the Kauai boats.

COURT NOTICES

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT, TERRITORY OF HAWAII—AT CHAMBERS—IN PROBATE.

In the matter of the Estate of Manoel Rapozo de Freitas, of Kapaa, deceased—Order of Notice of Hearing Petition for Allowance of Final Accounts, Distribution and Discharge.

On reading and filing the petition and accounts of Maria Augusta Rapozo Freitas, Administratrix of the Estate of Manoel Rapozo de Freitas, wherein she asks to be allowed \$100.00 and she charges herself with \$208.22, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in her hands to the persons thereto entitled, and discharging her and her sureties from all further responsibility as such administratrix:

It is ordered that Thursday, the 28th day of January, A. D. 1905, at ten o'clock a. m., before the Judge of said Court at the Court Room of said Court at Lihue, Island of Kauai, be and the same hereby is appointed as the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that notice of this Order, in the Hawaiian language, be published in the Hawaiian Gazette, newspaper printed and published in Honolulu, for four successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Lihue, this 22nd day of November, 1904.

By the Court:

JNO. A. PALMER,
Clerk.

Dec. 18, 23, 30, Jan. 6, 13.

HACKFELD VS. P. E. LAMAR.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, TERRITORY OF HAWAII—OCTOBER TERM, 1904.

H. Hackfeld & Company, Ltd., a Corporation, Plaintiff, vs. P. E. Lamar, Defendant, The Pioneer Mill Co., Ltd., a Corporation, Garnishee.

ORDER OF COURT FOR PUBLICATION OF SUMMONS.

Upon reading and filing the affidavits of L. N. Baldwin, and D. H. Case, and, it appearing to me therefrom that defendant P. E. Lamar, has removed from, and is now a non-resident of the Territory of Hawaii, and that he is now living in the city of San Francisco, State of California; and, it also appearing from said affidavits that a cause of action in assumpsit exists between said H. Hackfeld & Company, Ltd., as plaintiff, and said P. E. Lamar, as defendant, and that said P. E. Lamar is a necessary party thereto; and, it further appearing that a summons has been duly issued in the above entitled case, and due and diligent inquiry and search made for said P. E. Lamar for the purpose of making personal service thereof upon him as defendant, but that same was not and could not be had for the reasons hereinabove stated, and by said affidavits made to appear:

Now, therefore, it is ordered that service of summons in this action be made upon the defendant, P. E. Lamar, by publication thereof in the Hawaiian Gazette, a semi-weekly newspaper, published in the English language in Honolulu, Oahu, Territory of Hawaii, and hereby designated as a newspaper suitable for the advertisement of notice of judicial proceedings; that such publication be had and made at least once a week for four consecutive months;

It further appearing from a reading of said affidavits, that said defendant, P. E. Lamar, is located in and about the city of San Francisco, State of California;

It is further ordered and directed that a copy of the summons and complaint in the above entitled case be forwarded forthwith by being deposited in the United States Postoffice at Wailuku, Maui, postpaid, directed to said P. E. Lamar, at San Francisco, State of California.

Service herein shall be deemed completed at the expiration of time prescribed by the order of this court, this cause to stand continued to, and be triable at, the regular March term 1905 of this court.

(Sgd.) A. N. KEPOIKAL,
Judge of the Circuit Court, Second Judicial Circuit.

Attest:
(Sgd.) EDMUND H. HART,
Clerk, Second Circuit Court.

FORECLOSURES

L. AHLG.

NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

Under and by virtue of the power of sale contained in that certain mortgage, dated November 29, 1899, made by and between L. Ahlo of Honolulu, Island of Oahu, Territory of Hawaii, as mortgagor, to William G. Irwin, John A. Cummins and William D. Alexander, all of said Honolulu, trustees for the Oahu Railway and Land Company, a corporation organized and existing under the laws of the Territory of Hawaii, as mortgagees, and of record in the Hawaiian Registry of Conveyances in book 128, on pages 140, 141 and 142, which said mortgage was duly assigned to the undersigned Oahu Railway and Land Company, now holder and owner thereof, by the successors of the

aforsaid mortgagees, by an instrument dated January 1, 1897, of record in said Registry in book 271, on pages 67-69, and pursuant to chapter thirty-three of the session laws of 1874 and the act (chapter nine of the session laws of 1890) amending same, said Oahu Railway and Land Company, as assignee of said mortgage, hereby gives notice that it intends to foreclose the said mortgage for conditions broken, to wit: The non-payment of the principal and interest of two promissory notes of said mortgagor referred to in and secured by said mortgage, when due.

Notice is hereby likewise given that all and singular the lands and premises conveyed by and described in said mortgage and the improvements thereon, hereinafter described, will be sold at public auction at the auction rooms of James F. Morgan on Kaahumanu street in Honolulu, on Saturday, the 14th day of January, A. D. 1905, at 12 o'clock noon of said day.

The property conveyed by the said mortgage and intended to be sold as aforesaid consists of:

All of those certain premises in Pearl City, Ewa, Island of Oahu, Territory of Hawaii, more particularly designated as lots three (3) in block A, four (4) in block eight (8), and one (1) in block ten (10), upon a map or diagram of the same duly authorized and adopted by said Oahu Railway and Land Company and recorded in book 121, pages 207 and 248, in the Hawaiian Registry of Conveyances, the total area of said premises being 42,500 square feet.

Terms: Cash, in United States gold coin.

Deeds at the expense of the purchaser. For further particulars inquire of Ballou & Marx, Stangenwald building, Honolulu, attorneys for assignee of mortgage.

Dated Honolulu, December 15, 1904.
OAHU RAILWAY AND LAND COMPANY, Assignee of Mortgage.
2651—Dec. 16, 23, 30, Jan. 6, 13.

MORTGAGEE'S NOTICE OF FORECLOSURE.

GOW CHONG AND WEE SHING.

In accordance with the provisions of a certain mortgage made by Gow Chong and Wee Shing of Honolulu, Island of Oahu, Territory of Hawaii, to Allen & Robinson, Ltd., a corporation duly organized and existing under the laws of the Territory of Hawaii, dated July 1, 1902, and recorded in the office of the Registrar of Conveyances, Honolulu, Oahu, in Liber 236, on pages 268-270, notice is hereby given that said mortgage intends to foreclose the same, in accordance with the terms of said mortgage and the Hawaiian laws, for conditions broken, to wit, non-payment of principal and interest.

Notice is likewise given that after the expiration of three successive weeks from the date of the first publication of this notice said mortgagee intends to, and will foreclose said mortgage, and will advertise for sale the property covered and conveyed thereby, and will sell the same at public auction at the auction rooms of James F. Morgan on Kaahumanu street, in said Honolulu, on Saturday, January 14, 1905, at 12 o'clock noon of said day.

The property covered by said mortgage and to be sold is that certain indenture of lease of premises situated near the corner of River and Beretania streets in Honolulu aforesaid, made between Mrs. Henrietta Luning and said mortgagors, dated November 1, 1901, and recorded in the aforesaid Registry of Conveyances in Liber 233, at pages 457-459, and being for the term of seven years and eight months from September 1, 1901, and also all the right, title and interest of said mortgagors in and to the premises covered by said lease and in and to all buildings on said premises. Said premises are a part of those premises known as the Montgomery Estate, being designated as part of lot 2 and lot 3, described as follows:

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